

# ROANOKE CITY COUNCIL REGULAR SESSION

SEPTEMBER 7, 2004 9:00 A.M.

**ROOM 159** 

# **AGENDA**

# Call to Order--Roll Call.

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the Roanoke Redevelopment and Housing Authority, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

Items listed on the 2:00 p.m. Council docket requiring discussion/clarification, and additions/deletions to the 2:00 p.m. agenda. (15 minutes)

P 11

P 12

Topics for discussion by the Mayor and Members of Council. (15 minutes)

- Topics for discussion at the joint meeting of Council and the Roanoke Redevelopment and Housing Authority on Thursday, October 7, 2004, at 12:00 noon.
- Topics for discussion at the joint meeting of Council and the School Board on Monday, November 1, 2004, at 9:00 a.m.

### **Briefings:**

•	First Street Bridge (The Committee will present its recommendations.)	-	15 minutes	P 13;
•	Changes to the Tax Abatement Program	-	30 minutes	P 14;
•	HUD Policy Update	-	15 minutes	P 15;
•	Issuance of Bonds (Director of Finance)	_	15 minutes	P 16

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 12:00 NOON, IN ROOM 159 FOR A MEETING WITH CONGRESSMAN BOB GOODLATTE.



# ROANOKE CITY COUNCIL REGULAR SESSION

# SEPTEMBER 7, 2004 2:00 P.M.

# CITY COUNCIL CHAMBER AGENDA

### 1. Call to Order--Roll Call.

The Invocation will be delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

# **NOTICE**:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 9, 2004, at 7:00 p.m., and Saturday, September 11, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

### **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853–2541, OR ACCESS THE CITY'S HOMEPAGE AT <a href="https://www.roanokegov.com">www.roanokegov.com</a>, TO OBTAIN AN APPLICATION.

# 2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late (Mrs.) Christine Lea.

R 17

Recognition of City employees returning from active duty as Army National Guard, Air Force Air National Guard, and Army, Navy, Air Force and Marine Corps Reservists who served their country during "Operation Iraqi Freedom".

R 19

Presentation by Vice-Mayor Beverly T. Fitzpatrick, Jr.

# 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the special meeting of Council held on Tuesday, July 6, 2004; the organizational meeting and the regular meeting of Council held on Tuesday, July 6, 2004, recessed until Friday, July 16, 2004, and recessed until Monday, July 19, 2004; and the regular meetings of Council held on Monday, July 19, 2004, and Monday, August 2, 2004.

P 21; P 84; P 134

**RECOMMENDED ACTION:** 

Dispense with the reading of the minutes

and approve as recorded.

C-2 Minutes of the Audit Committee meeting held on Monday, August 16, 2004.

P 184

**RECOMMENDED ACTION:** 

Receive and file.

C-3 Minutes of the Greater Roanoke Transit Company Audit Committee meeting held on Monday, August 16, 2004.

P 189

RECOMMENDED ACTION:

Receive and file.

C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an adjustment to the City of Roanoke Fiscal Year 2004-2005 Budget.

P 191

RECOMMENDED ACTION:

Concur in the request.

C-5 A communication from Kenneth S. Cronin, Secretary, Personnel and Employment Practices Commission, advising of the resignation of Tamara S. Asher as a member of the Personnel and Employment Practices Commission.

P 193

**RECOMMENDED ACTION:** 

Accept resignation and receive and file

communication.

C-6 A communication from Herbert C. Berding, Jr., tendering his resignation as a member of the Flood Plain Committee.

P 194

**RECOMMENDED ACTION:** 

Accept resignation and receive and file communication.

C-7 Qualification of the following persons:

C. Nelson Harris, Brenda L. McDaniel and William D. Bestpitch to fill unexpired terms of office on the Roanoke Valley Allegheny Regional Commission, ending June 30, 2006;

Sharon Hicks as a member of the Youth Services Citizen Board, for a term ending May 31, 2007;

Herbert D. McBride as a member of the Roanoke Public Library Board, for a term ending June 30, 2007; and

Christene A. Montgomery and Sharon L. Stinnette to fill unexpired terms of office on the Parks and Recreation Advisory Board, ending March 31, 2005.

**RECOMMENDED ACTION:** 

Receive and file.

# **REGULAR AGENDA**

# 4. PUBLIC HEARINGS:

a. Approval of the City's issuance of general obligation bond or bonds, in an amount estimated not to exceed \$1,300,000.00 for the purpose of financing certain capital improvements for Lincoln Terrace Elementary School. Kenneth F. Mundy, Jr., Executive Director of Fiscal Services, Roanoke City Schools, Spokesperson.

P 195

### 5. PETITIONS AND COMMUNICATIONS:

Recommendation from the Commonwealth's Attorney in connection a. with acceptance of Victim/Witness grant funds, in the amount of \$107,201.00; and a communication from the City Manager concurring in the recommendation.

P 196: B/O 201: R 202

#### 6. REPORTS OF OFFICERS:

CITY MANAGER: a.

#### ITEMS RECOMMENDED FOR ACTION:

Acceptance of a Rescue Squad Assistance Fund Grant from the 1. Virginia Department of Health, Office of Emergency Medical Services, in the amount of \$40,982.00; and appropriation of funds.

P 203: B/O 205; R 206

2. Acceptance of Juvenile Accountability Block Grant One-Time P 207: Special Funding Initiative Funds from the Virginia Department B/O 210; of Criminal Justice Services, in the amount of \$8,333.00; and R 211 appropriation of funds.

Acceptance of a Local Law Enforcement Block Grant from the 3. Bureau of Justice Assistance, in the amount of \$51,017.00; and appropriation of funds.

P 212; B/O 214; R 215

4. Appropriation of \$383,810.00 in connection with the Western Virginia Workforce Development Board Workforce Investment Act programs.

P 216; B/O 219

5. Acceptance of a sub-award from Virginia Commonwealth University, in the amount of \$401,691.00, in connection with the Virginia Institute for Social Services Training Activities R 224 Program (VISSTA).

P 221; B/O 223;

6. Adoption of the Solid Waste Management Plan authorization for submittal to the Virginia Department of Environmental Quality.

P 225; R 227

Adoption of a resolution requesting the Virginia Department of 7. Transportation to establish an urban system highway project for improvements to the First Street Bridge, for inclusion in the State's Six-Year Improvement Program.

P 229: R 231

Execution of a 2004-2005 CDBG/HOME Agreement with the P 232: 8. Roanoke Redevelopment and Housing Authority to conduct R 255 housing activities approved in the Consolidated Plan.

9. Execution of an agreement with Norfolk Southern Railway Company, in connection with the proposed reconstruction of 0 261 the First Street Bridge.

Amendment of the City Code to combine the Human Resources | P 262; 10. Advisory Board and the Human Services Committee.

O 264

#### b. **DIRECTOR OF FINANCE:**

Financial Report for the month of July 2004. 1.

P 268

#### 7. REPORTS OF COMMITTEES:

A communication from the Roanoke City School Board requesting a. appropriation of \$1,139,814.00 from the 2004-2005 Capital Maintenance and Equipment Replacement Fund; and a report of the Director of Finance recommending that Council concur in the request.

P 276; B/O 278

#### 8. UNFINISHED BUSINESS: NONE.

# 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

A resolution designating a Voting Delegate and Alternate Voting a. Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section, in connection with the Annual Virginia Municipal League Conference to be held on October 3 - 5, 2004, in Alexandria, Virginia.

R 279

b. A Resolution designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities on Saturday, December 4, 2004, in Indianapolis, Indiana.

R 280

#### 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.
- c. Expiration of the two-year terms of office of William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Troy A. Harmon, Municipal Auditor; and Mary F. Parker, City Clerk, on September 30, 2004.

#### 11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

# 12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

# MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

#### FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

#### PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



# CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

September 7, 2004

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Nelson Harris Mayor

C Weem Harris

CNH:snh



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham

City Manager

DLB/f

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

First Street Bridge

This is to request space on Council's regular agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

C:

City Attorney Director of Finance City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Changes to the Tax

Abatement Program

This is to request space on Council's regular agenda for a 30 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

C:

City Attorney

Director of Finance

City Clerk

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

**HUD Policy Update** 

This is to request space on Council's regular agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

C:

City Attorney
Director of Finance
City Clerk



# JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us

# CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

September 7, 2004

Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Briefing

The purpose of this letter is to reserve space on Council's regular agenda at 2:00 p.m., on September 7, 2004, for a 10 - minute briefing on the Issuance of Bonds.

Sincerely,

Jesse A. Hall

**Director of Finance** 

gesse A. Hall

JAH:ca

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Christine Price Lea, mother of Council member Sherman P. Lea.

WHEREAS, the members of Council learned with sorrow of the passing of Mrs. Lea on Tuesday, August 17, 2004;

WHEREAS, Mrs. Lea was born on March 20, 1932, in Caswell County, North Carolina, and was the daughter of the late Ranzie and Rebecca Price Cardwell;

WHEREAS, Mrs. Lea was part of a loving family including three brothers, Elie, Carl, and Cozell, and two sisters, Yvonne and Violet;

WHEREAS, Mrs. Lea was a devoted wife to her husband, Charles A. Lea, who preceded her in death on March 18, 2004; and a loving mother to her two sons, Sherman and Anthony, and to her daughter, Cheryl;

WHEREAS, Mrs. Lea was a proud grandmother of five grandchildren and two great-grandchildren; and

WHEREAS, Mrs. Lea was beloved by her extended family, including a host of nieces, nephews, cousins, and other relatives and friends.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Christine Price Lea, and extends to her family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mrs. Lea's sons, Sherman P. Lea, of Roanoke, Virginia, and Anthony M. Lea, of Richmond, Virginia; and to her daughter, Cheryl C. Lea, of Danville, Virginia.

ATTEST:

City Clerk.



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to City employees who have returned from active duty as Army National Guard, Air Force Air National Guard, and Army, Navy, Air Force and Marine Corps reservists who served their country during "Operation Iraqi Freedom."

WHEREAS, Scott E. Bradford (Navy Reserve); Robert P. Campbell (National Guard); Louie A. Cross (Army Reserve); Jeremy Todd Evans (Air Force Reserve); Richard Alden Frantz III (Army Reserve); Douglas Lynn Hurd (National Guard); Jeffrey P. Jenkins (Army Reserve); Robert A. Johnson (Army Reserve); Darrick A. Jones (Army Reserve); Paul Eric Laprad (Army Reserve); Brian K. McDaniel (Marine Corps Reserve); Maurice Nicholson (National Guard); Joseph E. Orange (Army Reserve); and Daryl W. Songer (Air Force Air National Guard) are all City employees who were called to active duty during "Operation Iraqi Freedom;"

WHEREAS, since the September 11, 2001, terrorist attacks, the Nation's Guard and Reserve troops have gone from serving as "weekend warriors" to deployable, active-duty warfighting forces;

WHEREAS, many City employees who serve as guardsmen and reservists were activated for duty during "Operation Iraqi Freedom," requiring them to leave their families and jobs for long periods of time and mobilize to defend our nation against terrorism;

WHEREAS, our guardsmen and reservists worked in behind-the-scenes operations that

are always on-24 hours a day and seven days a week-to provide support for our Armed

Forces; and

WHEREAS, our guardsmen and reservists served overseas and on military bases across

the United States to provide homeland defense for our country.

THEREFORE, BE IT RESOLVED by Council of the City of Roanoke as follows:

1. Council adopts this resolution as a means of recognizing and commending City

employees who have completed their active-duty service as guardsmen and reservists during

"Operation Iraqi Freedom."

2. The City Clerk is directed to forward an attested copy of this resolution to each of the

City employees who have completed their active duty service as guardsmen and reservists,

defending our country in the war against terrorism.

ATTEST:

City Clerk.

#### REGULAR WEEKLY SESSION ---- ROANOKE CITY COUNCIL

July 6, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Tuesday, July 6, 2004, at 9:00 a.m., in Room 212, Roanoke Higher Education Center, 108 North Jefferson Street, City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36746–062104, adopted by the Council on Monday, June 21, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brian J. Wishneff and Mayor C. Nelson Harris---6.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

SCHOOL TRUSTEES PRESENT: David B. Trinkle, Robert J. Sparrow, Courtney A. Penn, William H. Lindsey, Alvin L. Nash, Kathy G. Stockburger, and Gloria P. Manns, Chair-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

Representing Roanoke City Schools: Doris N. Ennis, Acting Superintendent, Roanoke City Public Schools; Cindy H. Lee, Clerk to the School Board; and Richard L. Kelley, Assistant Superintendent for Operations.

CITY COUNCIL-SCHOOLS: The Mayor announced that the meeting would be conducted as a joint session of the Council and the Roanoke City School Board for the purpose of receiving a report by the School Safety/Discipline Task Force and certain other agenda items if time permits.

The meeting was opened with a prayer by Council Member Sherman P. Lea.

SCHOOLS: Mayor Harris expressed appreciation to the School Board and to the School Safety/Discipline Task Force for the opportunity to meet with them.

School Board Chair Manns recognized Acting Superintendent of Schools, Doris N. Ennis, Courtney A. Penn who began his first term on the School Board on July 1, 2004, and Alvin L. Nash, who also began his first full three term on the School Board on July 1. (Mr. Nash was previously appointed to the School Board on January 5, 2004, to fill the unexpired term of Melinda J. Payne, resigned, ending June 30, 2004.)

A committee was appointed approximately eight months ago to collect public comment on issues of school safety and discipline in Roanoke's schools; and members of the Task Force, all of whom were not present are:

Ellen Allmon, Teacher, Monterey Elementary School Captain William Althoff, Patrol Captain, Roanoke Police Department Carol Brash, First Vice-President, Central Council Parent Teacher Association

Allisha Childless, Senior, William Fleming High School
Ruth Claytor, Teacher, William Fleming High School
James d'Alelio, Teacher, Breckinridge Middle School
Jean Dixon, Teacher, Woodrow Wilson Middle School
Mark Farrell, Teacher, Jackson Middle School
Rachel Frazier, Teacher, Fallon Park Elementary School
Ben Garden, Student, Patrick Henry High School

Kaye Hale, Executive Director, West End Center, Chair, School Safety Advisory Committee

Virginia Hardin, Director, Prevention Plus, Blue Ridge Behavioral Healthcare Jenny Kay Harris, Teacher, William Ruffner Middle School

Kathryn Hatam, Senior, William Fleming High School

Rodger Hogan, School Resource Officer

Anita Manley, School Liaison Officer, Dept. of Juvenile Justice

Alice McCaffrey, President, Central Council Parent Teacher Association Kay McGrath, Teacher, James Madison Middle School, Member of the School Safety Advisory Committee

Ed McMichael, Teacher, Patrick Henry High School

Daniel Merenda, Executive Director, Roanoke Adolescent Health Partnership Susan Morris, Assistant Principal, William Fleming High School

Juan Motley, Bus Driver, Roanoke City Public Schools

James O'Hare, Youth Counselor Supervisor, Sanctuary Crisis Intervention Center

Katie Pero, Teacher, Grandin Court Elementary School

Anita Price, Counselor, Round Hill Elementary School, President, Roanoke Education Association

Connie Radcliffe, Principal, Woodrow Wilson Middle School Annette Shupe, Principal, Morningside Elementary School Timothy Spence, Detective, Roanoke City Police Department Faten Taneeb, Refugee and Immigration Services, Roanoke, Virginia Carter Varner, Junior, Patrick Henry High School Barton Wilner, Past Chair, Roanoke Regional Chamber of Commerce, Owner, Entre Computer Center Jinny Woodall-Gainey, Teacher, Addison Aerospace Middle School

Virginia Hardin, Director, Prevention Plus, Blue Ridge Behavioral Health Care, presented opening remarks on behalf of the Task Force. She advised that the context in which the Task Force was appointed and began its work was one that had much community and school based fear, anxiety and concerns about the safety of children, faculty and staff, which issues were partly coming from school based actual incidents and community incidents that appeared to be gradually escalating last year. She stated that fear and anxiety are sometimes more a matter of perception than actual facts, therefore, part of what the Task Force saw itself responsible for was to look at what is actually happening, what are some of the perceptions and concerns, and how reality based are those perceptions and concerns. She advised that the work of the Task Force became more and more complex, there appeared to be a lack of unity among community leaders about how to best address concerns, therefore, the "blame game" was about to surface, and the Task Force had a charge of trying to stop this unproductive process. She stated that another issue of concern was that bullying behavior in the Roanoke Valley was escalating, following national trends; therefore, the Task Force began its work with a sense of urgency and responsibility, members came together to work on identifying the complexities of the problems as well as the solutions, the process was difficult for many reasons because the task was complex, the issues were high stake and administrative support from the consultant was insufficient which caused more work by Task Force members and volunteers. She advised that the Task Force is proud of the report and the work that went into the document and believes that it has proposed a road map to increase school safety and to address public anxiety; the Task Force considers the recommendations to be a "recipe" and not a "menu"; i.e.: when one looks at the recommendations, one cannot pick and choose the easy ones, but must look at the entire picture. She stated that the Task Force is committed to implementation of the recommendations and members are willing to be a part of the process and it is hoped that resources will be allocated in that direction. She added that survey statistics are not statistically sound samples of parent, student, and faculty population, therefore, there is a concern that non representative samples of the data will be discounted.

Task Force members presented various sections of the report. The following is an Executive Summary:

#### Introduction:

The report is the culmination of eight months of work to collect public comment on issues of school safety and discipline in the Roanoke, Virginia, public schools. A Joint Steering Committee composed of key leaders from the school system and the City established a Safety/Discipline Task Force. They asked school, agency, and government groups to nominate people to represent them. The final Task Force membership was composed of 32 individuals. The following executive summary highlights significant Task Force conclusions.

#### Task Force Process:

The Joint Steering Committee, Chaired by C. Nelson Harris, City Council Member, included E. Wayne Harris, Superintendent of Schools; Darlene L. Burcham, City Manager; Joe Gaskins, Chief of Police, Gloria P. Manns, Chair, Roanoke School Board; Kathy G. Stockburger, School Board Member; and Linda F. Wyatt, City Council Member. The Joint Steering Committee interviewed Paula Wilder for the job of facilitating/leading the Task Force and hired her based on her scope and sequence proposal for the work of the Task Force. The Task Force held 11 meetings, many of which were attended by the media, and work culminated with a final report to the Joint Steering Committee.

#### **Data and Statistical Reliability:**

The Task Force was charged with collecting public comment. It did so by: (1) conducting public forums at four non-school locations; (2) conducting three surveys (students, parents and bus drivers); (3) studying the Roanoke Education Association survey; and (4) examining the work of previous safety related groups. All of the data included in the report, save Student Surveys, must be considered non-probability, non-representative samples, and can be considered to represent the opinions of the people who chose to participate and/or had access to the surveys.

# **Conducting Successful Parent Surveys:**

The Task Force was unsuccessful in gathering a representative sample of parent opinions across the City and many factors may have contributed to this. In the Future Considerations section of the report (page 17), ideas are suggested for improving the process in the future.

# The Larger Context of Our Work: Leadership and Economic Development:

The City of Roanoke and the School Board need to define the vision and goals for school safety and discipline. Once defined, all decisions regarding this issue should meet this standard. An opportunity exists in top school leadership to identify a candidate for school superintendent who has a clear vision and experience in addressing the issues that emerge in this report.

The Safety Task Force realizes that inaccurate reporting and limited data does not necessarily indicate unsafe conditions; however, the perception of poor discipline and safety is real to many stakeholders. There is a need to realize that poor discipline and safety not only makes for a poor and unsafe learning and teaching environment for student and school personnel, it is also the cause for families to seek other school systems and for the school system to lose many good teachers and administrators each year.

Good businesses seek communities with good school systems so that employees have the benefits of good educations for their children and so that their work force is filled with talented and skilled workers. Consequently, loss of teachers and administrators has a direct impact on the City's efforts toward economic development – attracting and keeping good businesses for the Roanoke Valley that will support skilled jobs, which, in turn, builds more prosperity for the entire community (parents, students and citizens).

#### Working Definition of School Safety:

School safety results when all stakeholders (students, parents, teachers, administrators, community leaders and citizens) and the school community share responsibility for creating an environment that reveres knowledge through: a secure environment, freedom from fear (physical and emotional fear and danger, mutual respect and concern, communication, clearly defined roles and accountability, pride and ownership.

# A summary of findings is as follows:

#### Are Students Safe?

The fundamental question of the work of the Safety/Discipline Task Force is: Are students safe? While a variety of findings show that improvement can and should be made, it is also clear that the majority of students and parents give Roanoke City Schools safety better than passing grades. However, these "Safety GPA's" deteriorate from high ratings at the elementary level to significantly lower ratings by high school. Students were also asked about how safe they feel, physically, and if they felt unsafe, where.

While locations varied by level, the most frequently cited unsafe areas were: cafeteria, hallways, restrooms, locker rooms and school buses and/or bus stops.

#### **Bullying:**

From the data, it can be concluded that bullying is an issue at all levels of the Roanoke City Schools. While the majority of students indicated that they had not been bullied this year (60 per cent plus), there still exists a substantial number of students who indicated that they had been bullied or had seen others bullied.

#### Classroom Safety:

Classroom safety was a central issue for the Task Force. When students were asked to check which areas of the schools they felt unsafe in, a small number indicated that they felt unsafe in their classrooms. The majority of teachers agreed or strongly agreed that they felt safe in their schools. The Roanoke Education Association upper grade level respondents indicated that they felt less safe than lower grade level respondents.

At this point, the distinction between safety issues and discipline issues blurs. Some incidents are distinctly safety issues: ice on sidewalks, for example. Other incidents are distinctly discipline issues: tardiness to class. Some behaviors are both safety and discipline issues: fighting, smoking in restrooms, bullying, the antagonistic way we talk.

#### Consistency of School Discipline:

One key Task Force mission was to discern whether school discipline was consistent within schools and across the school district. Data reveals a strong pattern of concern by parents, students and teachers that school discipline consistency needs an overhaul.

### Adjudication vs. School-Based Discipline:

School Based Discipline as it rates to adjudicated behaviors was a central concern of the Joint Steering Committee. The Task Force thinks it is best to conduct a forum of all professionals involved in juvenile justice issues including Juvenile Justices, police officers, school administrators, school liaison officials and social service agencies to identify areas for improvement. Task Force members have great respect for the court system's juvenile justices and want

to engage them in dialogue with all stakeholders regarding how to improve the system for Roanoke area youth.

#### **School Resource Officers:**

The Task Force was asked to examine the role of School Resource Officers. Survey data indicated that School Resource Officers have a favorable rating by students. Students asked for more SROs and Security Officers, particularly at the upper grade levels. SROs and the administrative team on which they serve can do a better job of clarifying roles with students and among themselves. The Safety Task Force concludes that a strong team approach between SROs and school administrators is essential. Great communication is what it takes for SROs and the school's leadership team to be highly effective. It is important to note that elementary schools do not have full-time SROs.

#### Security:

Students were given two opportunities to write in suggestions for improving school safety. First, if they did not give their school an A rating, they were asked what was missing; and second, if they could change one thing to improve school safety, what would it be. Write-in answers by students requested more people and supervision (SROs, security guards, supervision). Older students cited security measures such as increased cameras, metal detectors, and better security around premises more frequently than younger students. One-fourth of high school students wrote in that more security (people and devices) were necessary in order to give school safety an A.

# **Three Additional Findings:**

Inappropriate dress as a safety-discipline issue was cited by respondents of the Roanoke Education Association as one of the top four safety concerns at all levels of the school system.

Parent perception of effectiveness of suspensions on improving student behavior: In parent surveys, almost twice as many parents did not believe that suspension improves behavior as did those who believed that suspension improves behavior.

Guidance resources in intervention: Public forum listed (including training and counseling) as the third most frequently mentioned concern, citing the resources as not timely, not in-depth,

and inadequately funded. This area is not covered in teacher/student/parent surveys.

#### Joint Steering Committee Charge to Task Force:

- 1. Are Students and Teachers Safe in Classrooms? The findings reveal that the vast majority of teachers and students feel safe in their classrooms.
- 2. Is there consistency of Discipline? Inconsistency of discipline is an issue that concerns all stakeholders at all levels in the system.
- 3. What is the Role of School Resource Officers? School Resource Officers are most effective when they are a part of a team approach to a school's safety/discipline plan.
- 4. What is the relationship between adjudication and school-based discipline? The Task Force recommends a conference or forum that brings together all professionals who deal with serious, violent and chronic offenders to dialogue about how to make the system clearer and more effective.

#### Additional Task Force Conclusions:

- 5. Data says that safety is a human resource development issue more than a "bricks and mortar" issue. Physical plant safety issues are much less of concern than are people issues.
- 6. Increased concern for school safety and discipline at each level of schooling:

This relates to a general trend of "loss of confidence" in school safety at each level of schooling.

Consistency of handling discipline is a major concern among all populations surveyed and one that increases with each level of schooling.

- 7. Bullying and fights are a major issue that surface at all levels of schooling.
- 8. Consensus exists among all populations surveyed that discipline problems have been increasing over the past three years.
- 9. Places most frequently mentioned where safety is a concern are restrooms, hallways, cafeteria, locker rooms, classrooms and buses.

This was with a trend of lesser to greater concern over levels of schooling.

- 10. Communication, collaboration and community involvement rise to the surface as areas needing attention. Communication between and among central office, school leaders, School Resource Officers, and teachers; and externally between parents and school staff, are a concern with respect to student discipline and school safety. Increased involvement and collaboration with the community, parents, families, public agencies and the private sector regarding school safety is also an evident need.
- 11. Intolerance of differences among and between students regarding language, dress, culture and class contributes to safety problems in the schools. Task Force members suggest that intolerance grows beyond school walls and is rooted in the community.

#### Arenas for Action:

To sustain the kind of change needed to create safer schools, members of the Task Force believe that all parts of our system must change in unison from top to bottom and from bottom to top. The following five areas are, therefore, not a menu from which certain components can be selected and changed, but rather a recipe for safer schools that requires all components to interact and change together. School Board Policy, Superintendent, principals, teachers, School Resource Officers, parents, family and community must give permission and provide support to each other to sustain the change necessary to create safer schools in Roanoke City.

### Summary of Recommendations:

#### **Arena I: Human Service Development:**

Development of all human resources that touch schools (all school personnel, parents, School Resource Officers, community) in communication, de-escalation training, effective discipline processes, bullying prevention, multi-cultural training and training that focuses on inclusive practices.

#### Arena II: Leadership, Policy and Operations:

Top and middle leaders in all stakeholder groups reach consensus on effective discipline policy and be proactive in preventing discipline problems. Administrators need to be firm, fair, and consistent in their execution of discipline consequences. Top leaders need to evaluate discipline consistency at the system-wide level in a wide variety of areas. In addition, the Task Force believes it is time to examine current districting so that students at earlier ages can learn to get along with other children who represent the vast richness of people that live in Roanoke.

#### Arena III: Student Programs:

The Task Force recommends increased alternative programs for serious offenders (students who jeopardize other students' safety); prevention programs (bullying, intolerance); support programs for students such as increased mediation, mentoring and tutoring; positive programs that promote healthy citizenship (character education, cultural awareness, rewards programs); and increased assistance to children living in poverty.

#### Arena IV: Staffing:

The Task Force recommends more staff focused on safety, security and prevention.

#### Arena V: Communication, Collaboration, and Community:

Better communications throughout the Roanoke community on issues that impact school safety and discipline. This means better communication and collective work on the part of teachers, administrators, agencies, municipal government, and parents. In many ways, this arena is considered the keystone in assuring the effectiveness of all the other recommendations.

### Future Considerations for Committee Work:

The Task Force embarked on an ambitious effort to conduct itself in a highly professional manner that would well serve all stakeholders of Roanoke City School safety and discipline. In the eight month period of its work, the Task Force learned some things that should be noted for future efforts:

Survey design could have been simpler in order to enable quicker collation.

Efforts should be made in the future to enable electronic data collection through web-based survey access.

Greater information and pre-planning regarding distribution and collection of surveys would enhance survey return numbers.

School principal and PTA communications are important in an effort of this kind.

The lack of consistent teacher and principal e-mail access impaired their ability to receive Task Force information in a timely manner. In many cases, e-mails from the Task Force facilitator could not be delivered or opened by teachers and principals.

Efforts of the Task Force did not specifically target the needs of special education students. Study of this population and its discipline and safety needs may be an important piece of sustainable solutions for improving school safety and discipline system-wide.

Additional monetary resources need to be allocated for data collation and for translating surveys or conducting focus groups with non-English speaking stakeholders.

(For full text, see summary report on file in the City Clerk's Office.)

Chairperson Manns opened the floor for questions by Council and School Board Members.

Council Member Dowe called attention to regional areas of cooperation with Roanoke County, such as the recent formation of the Western Virginia Water Authority, and inquired as to the feasibility of a study to address regional school facilities, the number of students in both school systems, etc.

Council Member Wishneff inquired if a portion of the additional \$4,049,545.00 received from the State for the schools was used to implement any of the recommendations of the Task Force; whereupon, Mr. Kelley responded that in the fall of 2003, the School Board substantially expanded the Adolescent Uplift Program from \$75,000.00 to \$350,000.00, which is a program that serves those students, particularly at the middle school level, that have shown academic and discipline problems by placing them in an intensive learning environment at one of the middle schools after school hours where they receive special tutoring and other types of skill enhancements by teachers in an environment with a low pupil - teacher ratio; and the "New Beginnings" program was implemented this year at the high school level which will serve approximately 50 students, particularly at Patrick Henry High School, who have shown discipline and academic problems by taking the students out of the normal classroom environment and placing them in a special setting after normal school hours, which is estimated to cost approximately \$100,000,00; and \$350,000,00 was spent last year for security cameras and improved radio systems, particularly in the middle schools and some elementary schools. Next year, he stated that the School Board has approved increasing the number of middle school guidance counselors by four (three through the regular budget and one through a grant

allocated for additional \$200,000.00 has been program): recommendations, and the School Board will prioritize recommendations from the Task Force to determine how the \$200,000.00 will be spent, plus certain year end funds can be used for such items as additional security cameras in the high schools and elementary schools and to enhance security systems at two of the middle schools. He added that when looking at the high school seventh period day, the fact that 17 additional staff will be employed will significantly improve the supervisory aspect at the high schools; the Patrick Henry High School construction project is on schedule and, in conjunction with the project, security will be enhanced over the next two years.

Council Member Lea commended the Task Force on its work and inquired about the status of a report that was prepared by Annie Harmon, former Executive Director for Student Services, during the time that he served on the School Board with regard to bullying.

Dr. Lou Talbot, Executive Director for Student Services, responded that the report has been addressed on a number of occasions, de-escalation training will continue beginning in September, and a component of de-escalation training is when respect begins, bullying ends; conflict remediation will continue; a School Police Summit will be held in August to allow School Resource Officers, principals and assistant principals to discuss consistency of discipline; and a request has been submitted to the Acting Superintendent of Schools to hire an employee on a part-time basis to coordinate discipline and transportation issues and a number of other suggestions are under consideration.

Council Member Cutler expressed appreciation to the Task Force for the quality of its work. He spoke in support of identifying priorities and steps to be taken in the next two to three years, while not losing focus on the continuing improvement of academic excellence in Roanoke's school system by accentuating the positive.

Vice-Mayor Fitzpatrick expressed concern that this is a much greater problem than just safety in Roanoke's public schools and says a great deal about the fact that cultures have not been integrated in the Roanoke Valley.

The Mayor advised that while there are some things that the Task Force has identified that have budgetary implications, there are, however, some significant findings that are not budgetary in nature. He stated that when one-half of the high school teachers respond that they are not supported regarding discipline matters, that is not a budget issue. He called attention to such things as consistency in discipline, trust, appropriate response to concerns, enforcement of the dress code and existing policies, all of which are significant findings by the Task Force that are not budgetary in nature, but are personnel related issues and should be highly emphasized by the School Board as the Board begins to work through the recommendations. He stated that Roanoke's school system can

have the best buildings, all the necessary training for staff, and all the necessary programs in place, but if a teacher takes a discipline concern to his or her administrator and the teacher is not supported, all is in vain. He advised that the Council and the School Board owe the Task Force and the larger community a six month follow up report and a 12 month follow up report, with a status report on what has been done on each specific recommendation. He stated that he takes seriously the concern of the Task Force that its report not be shelved and that the Council and the School Board have accountability to the Task Force and to the community to report back at regular intervals. He added that he has met with and will continue to meet with the City Manager, in conjunction with the Interim School Superintendent and the School Board Chair, on a regular monthly basis to monitor the report and to be supportive of efforts to accomplish the kinds of things that have been presented by the Task Force.

The Mayor called attention to certain preliminary actions that have been taken by the City; i.e.: the most obvious element of school safety involvement is the School Resource Officer program, and, as a community, the City of Roanoke has more police officers assigned to its schools per capita than any other locality in the Commonwealth of Virginia; the Police Department is internally assessing and reviewing its role and the nature of school discipline and has identified certain issues; the Police Department has reviewed a concern as set forth in the report regarding utilization of a team approach and having an increased School Resource Officer presence in key areas such as the school cafeteria; the Police Department has established an internal committee to review the effectiveness of the School Resource Officer program, in addition to looking at equipment needs. training, job tasks, clarification of the Memorandum of Agreement between the Police Department, the School system and the Sheriff's Department; there has been a response to the concern of School Resource Officers that they are required to dispense too much time on clerical work which takes the officer away from the school campus, therefore, beginning with the 2004 school year, SROs will be provided with lap top in car computers; and before the beginning of the school year, a summit will be convened composed of representatives of the school administration, police personnel, principals, assistant principals, etc., to discuss findings of the Task Force report and to develop additional strategies on how to be more effective, involved and supportive.

Question was raised as to the strategy for moving forward from this point; whereupon, the Mayor advised that Council and the School Board will hold a joint meeting on Thursday, October 7, 2004, and by that time the two entities can begin to flag responsibilities on the City side and on the School side, meetings will continue to be held with the interim Superintendent, City Manager, and Chair of the School Board and the Council and the School Board will be provided with periodic updates. Prior to the joint meeting of Council and the School Board in October, he requested that the School Board provide Council with an update on what the School Board has done in terms of prioritizing recommendations of the Task Force.

- Dr. Trinkle advised that the matter deserves a workshop by the School Board to prioritize recommendations of the Task Force.
- Mr. Lindsey concurred in the remarks of Dr. Trinkle that a School Board workshop is in order and has proven to be an effective method in reaching consensus among the School Board in the past; the School Board must decide on what is the ideal classroom picture that it wishes to achieve for the students of Roanoke; the City of Roanoke has a diverse population and a need to incorporate the population early in the learning experience in order to develop tolerance, understanding and sensitivity, all of which appears to start at the elementary school level.
- Mr. Nash spoke in support of engaging a consultant to prepare a professional analysis, and the work of the Task Force must be taken seriously in a three to four phase approach.
- Mr. Penn advised that he is sensitive to the disclaimer of the Task Force in regard to the reliability of data; and one of the recommendations by the Task Force is to commit to a budget in order to assess progress, whereupon, he suggested that any surplus funds be committed to ensure receipt of the necessary data from parents, students and teachers which is an important component for moving forward with the recommendations. He concurred in the remarks of Mr. Nash regarding the need for a professional analysis by a consultant.
- Ms. Stockburger advised that the Task Force has recommended a reframing of those issues that are thought of as school issues to the broader context of the community, and it is incumbent on the School Board, as it begins to look at the public realities aspect, to let the community ask not how the School Board can do a better job, but how the community can help the schools to do a better job.
- Dr. Trinkle advised that the School Board is faced with many good opportunities and it is going to be a good year. He agreed with the Mayor that some of the recommendations of the Task Force are not budgetary in nature, and better use should be made of internet access leading to improved communications.
- Mr. Sparrow advised that he supports the report of the Task Force and the School Board is looking forward to setting measurable benchmarks. He called attention to the importance of parental involvement and inquired, from the perspective of the Task Force, as to what can be done by the School Board to increase parental involvement.
- Ms. Manns advised that the school system employs a Parent Coordinator; the school setting can be an intimidating place for some parents, and once parents enter the schools it is necessary to make them feel welcome.

An unidentified person spoke from the audience and advised that in distinguishing between various people in the community, the term "housing project" has been used, and cautioned that the term "housing project" is outdated. He stated that the meeting is being held at 9:00 a.m., in the morning at a time when the majority of those persons affected by the recommendations of the Task Force are on the job and cannot attend the meeting.

Barton Wilner spoke as a parent and as a representative of the business community, and advised that the City of Roanoke has an opportunity to make positive changes and to solve the problems in the school system; and the following actions should be implemented immediately:

- (1) Enforce rules that are currently on the books.
- (2) When those children who cause continuous problems are identified, they be placed in alternative education programs and removed from the main stream; diversity should be promoted; and people from other localities should be visiting the City of Roanoke not just to see places like Center in the Square, etc., but to observe Roanoke's school system first hand.
- (3) School uniforms should be mandatory for all students in the City's school system. He stated that he has advised school leadership that if school uniforms are required at Patrick Henry High School, he would be willing to pay for the uniform for any student whose parent can prove that they cannot afford the expense; and all localities in the United States where school uniforms have been required have reported an improvement in education.

The Mayor advised that Council is scheduled to convene at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, for a joint meeting with the City Planning Commission; therefore, time does not allow for meaningful dialogue on any of the remaining agenda items. He requested that the Chair of the School Board provide written responses to the following agenda items: health insurance stipend for retired teachers, consolidation of City/School purchasing, report from the November 21, 2003 Council/School Board retreat, discussion on ways to enhance Council/School Board relations, coaching vacancies at the high schools, status of high school tracks, and middle school interscholastic athletic programs. He suggested that the information be provided to the City Manager's Office, or to the Mayor's Office, for dissemination to Council, and if Council Members have questions, they can be raised with the appropriate officials.

The City Manager advised that a summary of the Council/School Board retreat which was held on November 21, 2003, was distributed to Council and to the School Board.

There being no further business, at 11:30 a.m., the Mayor declared the Council meeting in recess until 12:00 noon in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, at which time Council will participate in a joint meeting of the Council and the City Planning Commission.

The meeting of the School Board was adjourned.

At 12:15 p.m., the Council meeting reconvened in Room 159, Emergency Operations Center Conference Room, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., Roanoke, Virginia, for a joint meeting of Council and the City Planning Commission.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brian J. Wishneff and Mayor C. Nelson Harris---.

ABSENT: None------0

CITY PLANNING COMMISSION MEMBERS PRESENT: Gilbert E. Butler, Jr., D. Kent Chrisman, Paula L. Prince, Richard Rife, Henry Scholz, Fredrick Williams and Robert B. Manetta, Chair-----7.

ABSENT: None-----0.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; R. Brian Townsend, Director, Planning, Building and Development; Nancy Snodgrass, Zoning Administrator; Christopher L. Chittum, Senior City Planner; Stephanie M. Moon, Deputy City Clerk; and Martha P. Franklin, Secretary, City Planning Commission.

#### COUNCIL-COMMUNITY PLANNING-NEIGHBORHOOD PLANS:

#### Review of Vision 2001-2020 Implementation Annual Report:

Chris Chittum, Senior City Planner, Department of Planning, Building and Development, presented an annual update on Vision 2001–2020, the City's Comprehensive Plan. He advised that it was determined in 2001 that the Comprehensive Plan should include a chapter on implementation, monitoring and accountability; and one of the recommendations was to develop an annual report that detailed each action and accomplishments. He further advised that 85 per cent of the actions listed in the Plan have some activity toward implementation, and highlighted the following activities which have been undertaken over the past year:

Development of a new zoning ordinance

Adoption of the Urban Forestry Plan

Completion of the Mill Mountain Greenway

Completion of the Williamson Road Streetscape Construction of the Bullitt Avenue and Jamison Avenue, S. E. traffic calming project

Grandin Road/Grandin Village Streetscape improvements

Establishment of the Western Virginia Water Authority and

Development of indicators for each neighborhood.

Neighborhood Planning Process Status Report.

Mr. Chittum advised that six neighborhood plans have been adopted by City Council; 17 Plans were completed which cover 27 of the City's neighborhoods and six Plans are in progress that cover 15 neighborhoods; and the following Plans will be presented to the Council for consideration at a later date: Williamson Road neighborhood, Riverland/Walnut Hill neighborhoods, and Villa Heights/Fairland Lakes neighborhoods. He further advised that the neighborhood plans can be viewed on-line at the City's website, www.roanokegov.com, and the website was redesigned to create a webpage for each neighborhood to be coordinated with neighborhood indicators and the City's new web portal.

Chairman Manetta inquired about steps to be taken following completion of the neighborhood plans; whereupon, Mr. Chittum stated that City staff plans to update older neighborhood plans, i.e., Southwest Roanoke and Greater Deyerle which were adopted in 1989 and 1990, respectively.

The City Manager explained that she has requested an implementation update on all neighborhood plans for inclusion in the Comprehensive Plan in order to develop a matrix that identifies the different issues and needs for each neighborhood.

Mr. Williams called attention to a work session held by the City Planning Commission and American Electric Power with regard to concerns relating to underground utilities, especially in the village center locations, with the purpose of planting large trees and other plantings that will contribute to the environment.

Mr. Townsend stated that underground utilities will be a requirement in all new developments in village centers and will be included in the zoning ordinance update.

Chairman Manetta indicated that there is a program designed to regain the tree canopy and to promote preservation of trees in the City; and explained that there have been improvements toward maintenance of housing, which process will expand to other neighborhoods.

The City Manager advised that Council at its last retreat gave City staff a goal of demolishing approximately 50 abandoned homes per year, which goal was exceeded with the assistance of private property owners; and code enforcement efforts throughout the City have been enhanced by additional personnel, cross training of employees, and the ability to respond to citizen complaints throughout the City. She further advised that the major stumbling block with Code enforcement was not the number of staff or the response time to a complaint, but the lack of support from property owners and the court system.

Mr. Manetta stated that he was appreciative of the establishment of a regional park authority, and actions taken to provide additional recreational opportunities to promote physical fitness for Roanoke's youth population. He inquired about a trolley system primarily on South Jefferson Street, and commented on the budget trolley and light rail systems in Portland, Oregon, which are major economic development initiatives that enabled the City to encourage development in certain areas outside its region. He suggested that funds be budgeted to study the location of a trolley system in the City of Roanoke.

Mr. Manetta also called attention to the development of a streetscape design team, and suggested that the team brief the City Planning Commission and staff early in the process with regard to the "how's" "where's", and the underlying philosophy relative to the Comprehensive Plan.

Ms. Prince added that one of the things the City could do to encourage physical fitness for youth, to help relieve traffic, and to add quality of life is to improve the City's bike lanes in order to make Roanoke a bicycle friendly city. She noted that the trolley and the light rail system in Portland, Oregon, allowed citizens to bicycle around town and have access to various destinations without getting back on their bicycles. She suggested that bike racks be made available throughout the City of Roanoke.

Ms. Burcham pointed out that several bicycle racks have been installed in the downtown Roanoke area, Valley Metro buses are equipped to transport bicycles, and a bicycle rack is located at the Noel C. Taylor Municipal Building. She stated that the City should promote bicycling and bicycle lanes. With regard to streetscape designs, Mr. Williams suggested that there be more involvement between the City Planning Commission and the Street Design Team. He called attention to Item PSA15, page 27, <u>Administration and Service Delivery</u>, in terms of ensuring that all public schools and city-owned facilities are located, designed and maintained to compliment neighboring land uses, and advised that the Planning Commission should have an opportunity to review the designs of public facilities at an early stage in order to receive comments prior to finalizing any plans or actions.

Mr. Williams also called attention to a regional economic development action, Item EDA2, page 13, "Expand participation in regional economic development efforts; and continue meetings with elected officials and administrative staff in neighboring localities to discuss regional efforts," and suggested that the City be more proactive in economic development activities with Roanoke County. He pointed out that there is an underperforming, aging shopping mall within the City's boundaries, and suggested that Roanoke City and Roanoke County consider the coordination of efforts to institute some type of revenue sharing for a redeveloped shopping mall.

With respect to alternative forms of transportation, Mr. Williams commented that he bicycles on a regular basis and has found that the biggest obstacle is the lack of street trees; and suggested that the City not only plant trees for tree canopy cover, but to benefit bikers as well.

Council Member Cutler inquired as to whether a public art plan would be included in the City's Comprehensive Plan; whereupon, Ms. Burcham advised that the decision would have to be made by Council as to whether an art plan should be included in the Comprehensive Plan or adopted as a guide. Mr. Cutler compared the public art plan to the Urban Forestry Plan, and explained that he was seeking other opportunities to incorporate additional detailed language to the Comprehensive Plan, and suggested that stormwater management and public health also be included in the Comprehensive Plan.

With regard to neighborhood plans, Council Member Cutler indicated that the City has the authority to improve public infrastructures through public investments, curb and guttering, lights, airplanes, etc., and inquired as to whether the City offers incentives to homeowners, such as grants, to make repairs to their property; whereupon, Mr. Chittum pointed out that the Southeast by Design Program has influenced many businesses through the Façade Grant Program, and housing incentives connected with the program have created a considerable amount of business interest in the neighborhoods.

Ms. Burcham advised that development of the current housing strategy speaks to many of the issues referenced by Council Member Cutler, particularly the neighborhoods, and stated that the City currently has a Tax Abatement Program which is utilized by a small percentage of property owners to improve

and to upgrade their property; and the program is available to both residential and commercial owners, as well as to those in the Urban Enterprise Zone system. She stated that staff and the Director of Real Estate Valuation are reviewing modifications to the program and a report will be submitted to Council for consideration at a later date.

Council Member Cutler referenced Item ECA21, page 11, Environmental, Historic, and Cultural Resources, i.e.: Roanoke's Parks and Recreation Department will assume a primary land steward role for a major portion of the Carvins Cove Natural Reserve, effective July 1, 2004, and suggested that the Planning Department and the City Planning Commission interface with the Parks and Recreation Department, the Parks and Recreation Advisory Board, and the Mill Mountain Advisory Committee to plan for the City's park system. He also suggested that the City coordinate its efforts with the Western Virginia Land Trust, Explore Park, and the Roanoke Valley Greenway Commission to capitalize on opportunities to bring tourism into the City from the Blue Ridge Parkway.

Council Member Dowe expressed appreciation to City Planning staff for its efforts regarding the preparation and adoption of the neighborhood plans, and mentioned specific feedback regarding the application of fees and rates at Carvins Cove as a result of enhanced efforts between the City of Roanoke and Roanoke County. He requested a meeting with the City Manager and the Director of Planning and Community Development to address the matter.

Council Member Wishneff inquired as to whether the neighborhood plans will prevent the conversion of single family residential homes to higher density use; whereupon, Mr. Chittum responded in the affirmative, and advised that the City attempts to have the higher density uses focused around the village centers.

Mr. Townsend advised that staff is using the neighborhood land use maps as a guide for future zoning throughout the entire City.

Council Member McDaniel stated that she served as Vice-Chair of the Comprehensive Plan Advisory Committee, and requested that copies of the implementation update be forwarded to committee members. Mr. Townsend also noted that the update is available on the City's website.

How to Arrest and Reverse Neighborhood Deterioration in Parts of the City.

The following suggestions were offered by the City Planning Commission in connection with arresting and reversing neighborhood deterioration in parts of the City:

Citizens need to set standards and maintain them;

- Minimize conflict between businesses and residents, and maximize harmony;
- Adequate school system; and
- Implementation of neighborhood design guidelines.

Need for Better Coordination Between Land Use and Transportation Planning.

Mr. Williams presented two articles which appeared in *The Richmond Times-Dispatch* with regard to a crisis in transportation funding in Richmond, Virginia.

(For full text, see articles on file in the City Clerk's Office.)

Mr. Williams expressed concern with regard to a limited amount of funds provided by the Commonwealth of Virginia for infrastructure and transportation needs, and stated that the Department of Transportation expects to begin preliminary engineering on 29 projects in fiscal year 2004–05, and by 2010, preliminary engineering projects will have dropped to two due to a funding shortage. He further stated that transportation and land use are not linked in the State of Virginia because transportation planning is handled by State officials and land use planning development is addressed by local governments; and suggested that the City initiate discussion with regard to the relationship between transportation and land use planning.

### **CLOSING COMMENTS:**

Mr. Rife advised that Rife and Associates, Inc., has been engaged as architect for the proposed William Fleming High School building project, and suggested that if Council and the School Board would like to explore the concept of a high school stadium on the proposed school site, discussions should be held no later than October 2004.

There being no further business, at 1:30 p.m., Chairman Manetta declared the meeting of the City Planning Commission adjourned.

COUNCIL-COMMITTEES: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the above described request of the Mayor. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, Wishneff and Mayor Harris------6.

NAYS: None-----0.

COUNCIL-SALE/PURCHASE OF PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the above described request of the City Manager. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

At 1:35 p.m., the Mayor declared the Council meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, City of Roanoke, Virginia.

The Council of the City of Roanoke held its Organizational Meeting on Tuesday, July 6, 2004, at 2:00 p. m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Section 10, Meetings of Council, Charter of the City of Roanoke, at which time the newly elected Members of the Council will officially take their seats.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brian J. Wishneff, and Mayor C. Nelson Harris--6.

ABSENT:----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: The Mayor advised that the purpose of the Organizational Meeting was for the newly elected Members of City Council to officially take their seats; whereupon, he called attention to a communication from the City Clerk advising of the following qualification:

C. Nelson Harris as Mayor for a term commencing July 1, 2004 and ending June 30, 2008;

Beverly T. Fitzpatrick, Jr., as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008; and as Vice-Mayor for a term commencing July 1, 2004 and ending June 30, 2006;

Sherman P. Lea as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008; and

Brian J. Wishneff as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008.

Mr. Dowe moved that the communication from the City Clerk be received and filed. The motion was seconded by Mr. Lea and unanimously adopted.

CITY COUNCIL: Council Member Cutler offered the following resolution recognizing the Honorable Beverly T. Fitzpatrick, Jr., as a Member of Council and as Vice-Mayor of the City of Roanoke:

(#36760-070604) A RESOLUTION recognizing the Honorable Beverly T. Fitzpatrick, Jr., as a member of the City Council and Vice-Mayor of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 69, page 1.)

Mr. Cutler moved the adoption of Resolution No. 36760-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES:	: Council Members Cutler, Dowe, Fitzpatrick, Lea, Wishneff and	Mayor
Harris		6.

NAYS: N	None	0
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CITY COUNCIL: The Mayor relinquished the Chair to the Vice-Mayor.

Council Member Cutler offered the following resolution recognizing the service of the Honorable C. Nelson Harris as Vice-Mayor of the City of Roanoke from July 1, 2002, until June 30, 2004:

(#36761-070604) A RESOLUTION recognizing the services of the Honorable C. Nelson Harris as Vice-Mayor of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 69, page 1.)

Mr. Cutler moved the adoption of Resolution No. 36761-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea and Wishneff----5.

NAYS: None-----0.

(Mayor Harris abstained from voting.)

The Mayor took the Chair.

CITY COUNCIL: Council Member Dowe offered the following resolution establishing a meeting schedule for City Council for the fiscal year commencing July 1, 2004, and ending June 30, 2005:

(#36762-070604) A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2004, and terminating June 30, 2005, and rescheduling one regular meeting to be held in the month of October 2004.

(For full text of Resolution, see Resolution Book No. 69, page 2.)

Mr. Dowe moved the adoption of Resolution No. 36762-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

CITY COUNCIL-COMMITTEES: The Mayor presented a communication advising that based upon the response by Council Members to his previous communications, it is recommended that Council liaison relationships to the following committees or organizations be eliminated:

Mill Mountain Advisory Committee
Roanoke Arts Commission
Roanoke Valley Convention and Visitors Bureau
City of Roanoke Transportation Safety Commission
Virginia Museum of Transportation
War Memorial Committee
Virginia CARES, Inc., Board of Directors
TAP Board of Directors
Mill Mountain Zoo

Roanoke Civic Center Commission Explore Park Downtown Roanoke, Inc., Board of Directors

Section 1

The Mayor further recommended that Council Members be appointed as liaison to the following:

Roanoke Valley Regional Cable Television Committee - Council Member Sherman L. Lea

Roanoke Valley-Allegheny Regional Commission - (Will be filled by the new member of Council to be appointed at a later time) Virginia's First Coalition of Cities - Vice-Mayor Beverly T. Fitzpatrick, Ir

New River Valley Commerce Park Participation Committee - Council Member Brian J. Wishneff

Virginia's First Regional Industrial Facility Authority -- Council Member Brian J. Wishneff

Roanoke Redevelopment and Housing Authority- Vice-Mayor Beverly T. Fitzpatrick, Jr.

Mayor Harris further recommended that the following Members of Council be appointed as Chairs of certain permanent committees:

Audit Committee - Council Member M. Rupert Cutler Personnel Committee - Council Member Alfred T. Dowe, Jr. Legislative Committee - Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Mayor advised that other Council liaison appointments will occur in the future for ad-hoc committees or special projects; whereupon, he recommended that appointments be made as necessary.

Mr. Fitzpatrick moved that Council concur in the above referenced recommendations of the Mayor. The motion was seconded by Mr. Lea and adopted by the following vote:

	AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, Wishneff and May	or
Harris	5	6.
	NAYS: None	0.

At 2:08 p. m., the Mayor declared the meeting in recess and advised that the regular meeting of Council will convene immediately following a special meeting of Council which will be held for the purpose of filling the unexpired term of C. Nelson Harris, Council Member, ending June 30, 2006.

The regular meeting of Roanoke City Council convened at 2:40 p.m., on Tuesday, July 6, 2004, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Elder Sylvan A. Moyer, Pastor, Unlimited Power Apostolic Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

### PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS-PARKS AND RECREATION: The Mayor presented a Proclamation declaring July 2004 as Parks and Recreation Month to Steven C. Buschor, Director, Parks and Recreation.

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, May 3, 2004, recessed until Friday, May 7, 2004, and recessed until Monday, May 10, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris7.
NAYS: None0.
ROANOKE CIVIC CENTER-COMMUNICATIONS DEPARTMENT-CITY PROPERTY: A communication from the City Manager advising that Triton PCS Property Company, LLC, contacted City staff with regard to leasing City-owned property to locate a monopole antenna and support building; the antenna is needed to provide uninterrupted cellular telephone service in certain parts of the City; according to Triton, there is insufficient coverage in certain areas of the City, which leads to lost calls as cellular telephone users travel throughout the community; to alleviate the problem, Triton has proposed a five year lease of vacant land at the Roanoke Civic Center to install a new antenna at this strategic location for better service to its customers; estimated revenue for the five year lease agreement is \$9,725.00; and a public hearing is required to consider leasing land to Triton, was before Council.
The City Manager recommended that Council authorize a public hearing to be advertised for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard.
Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:
AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris7.
NAYS: None0.
PENSIONS: The annual report of the Roanoke Pension Plan, Board of Trustees, for the period July 1, 2003 through June 30, 2004, was before Council.
Mr. Dowe moved that the report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:
AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris7.
NAYS: None0.
OATUS OF OFFICE COMMITTEES WATER RESOURCES

OATHS OF OFFICE-COMMITTEES-WATER RESOURCES: A report of qualification of George W. Logan as a member of the Board of Directors, Western Virginia Water Authority, for a term commencing March 2, 2004, and ending March 1, 2008, was before Council.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

## **REGULAR AGENDA**

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

BUDGET-BLUE RIDGE PARKWAY: The following agenda item was sponsored by Council Member M. Rupert Cutler and Vice-Mayor Beverly T. Fitzpatrick, Jr.

Dr. Susan Jackson Mills, Executive Director, FRIENDS of the Blue Ridge Parkway, Inc., requested that Council consider a regional approach to the Blue Ridge Parkway for economic development, spearhead a cooperative spirit between Roanoke County and the Town of Vinton to explore strategies that would improve the Parkway's benefits to travelers to the City and that the City of Roanoke recognize the benefits of protecting and preserving the Parkway viewshed and the economical impact of the views to increase visitation to the Roanoke section of the Parkway through financial support of FRIENDS of the Blue Ridge Parkway viewshed protection project.

She advised that FRIENDS of the Blue Ridge Parkway believes that a similar response by all localities is vital to preserve the Blue Ridge Parkway viewsheds, thus providing a positive economic impact for both Roanoke City and the Roanoke Valley; the City of Roanoke's economic benefits of the Parkway are in direct relationship to the ecological health of Parkway views; and if Parkway views are not preserved, visitors have little reason to visit the Parkway's Roanoke area, therefore, the focus of her request on behalf of FRIENDS of the Blue Ridge Parkway is to save the viewshed, to develop strategies to attract visitors, and for the City of Roanoke to benefit from the visitation.

Dr. Mills stated that for the following reasons, it is important for the City of Roanoke to consider the request:

Based upon the Blue Ridge Parkway Scenic Experience Project – Southwest Virginia Study of 2002, the average visitor to the area visits 2.25 times per year for 1.96 days and spends \$149.00 per day per visitor.

Visitation to North Carolina is far greater than the Virginia section of the 23.5 million visitors in 2003 that travel the parkway, greater numbers of visitors are choosing to visit the North Carolina side (252 miles) of the Parkway due to commercials and residential development along Virginia's 217 miles.

Between 1982 and 1992, the Roanoke Valley lost 8,550 acres in farmland; the "Last Chance" designation represents a call to action to preserve this threatened landscape in the area.

Of the 28 miles of the Blue Ridge Parkway designated as "Last Chance Landscape" by Scenic America, 42 view areas were identified (1998) as scenic quality views; of these, 13 were rated as having little scenic quality remaining and 20 only moderate quality remaining (only 9 views continue to exhibit the high quality views); and without the protection of the Parkway views in Virginia, an increasing number of Parkway visitors will begin and end their Parkway experiences in North Carolina.

Economic studies show that the Blue Ridge Parkway brings billions of dollars annually to local economies, but the money is not spread evenly along the 469 mile route; the most recent study showed that for every parkway-related dollar that fueled local economies in Virginia, \$5 poured into North Carolina communities; and although the Parkway has a growing number of visitors, more than 23 million last year, North Carolina has experienced faster growth.

Dr. Mills advised that in spearheading the regional approach, the City of Roanoke is requested to provide grant services to help fund the initiative, budget \$15,000.00 over the next two years to match Roanoke County's support, or spearhead the community-based volunteer effort behind the plantings for the next three years and provide grant writing support.

Without objection by Council, the Mayor advised that the request will be referred to the City Manager for report and recommendation to Council.

**REPORTS OF OFFICERS:** 

CITY MANAGER:

BRIEFINGS: (The Mayor advised that the briefing by the Virginia Department of Transportation will be held at the end of the meeting.)

ITEMS RECOMMENDED FOR ACTION:

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that for more than 25 years, Community Housing Partners Corporation (CHPC) has successfully conducted housing programs in various localities across the Commonwealth of Virginia; in 2002, CHPC was recognized as the "Best Housing Agency" in the state by the Virginia Department of Housing and Community Development; on May 13, 2004, Council authorized CHPC's first housing activities in the Roanoke community, pursuant to Resolution No. 36695–051304, which approved the City's 2004–2005 Annual Update to the Consolidated Plan for submission to the U. S. Department of Housing and Urban Development; Council accepted 2004–2005 CDBG and HOME funds on June 21, 2004, pursuant to Budget Ordinance No. 36719–062104 and Resolution No. 36720–062104, pending receipt of an approval letter from HUD; and the letter will be issued when Congress completes its routine release process which is now underway.

It was further advised that in order for CHPC to conduct its approved 2004–2005 housing activities, authorization by Council is needed to execute a subgrant agreement; CDBG and HOME funding is available in accounts listed in a draft Agreement attached to the report; and a total of \$215,000.00 is being provided to CHPC to rehabilitate and sell eight homes in the Hurt Park/West End area.

The City Manager recommended that she be authorized to execute the 2004–2005 CDBG/HOME Subgrant Agreement with Community Housing Partners Corporation, to be approved as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36764-070604) A RESOLUTION authorizing the City Manager to enter into the 2004-2005 Community Development Block Grant (CDBG) and HOME-funded Subgrant Agreement with the Community Housing Partners Corporation, upon certain terms and conditions

(For full text of Resolution, see Resolution Book No. 69, page 5.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36764–070604. The motion was seconded by Mr. Wishneff and adopted by the following vote:

Harri	AYES: Council Members Dowe, Fitzpatrick, McDaniel, Wishneff and May s	
i iai i i	)	-5.
	NAYS: None	-0

(Council Members Cutler and Lea were not in the Council Chamber when the vote was recorded.)

The BUDGET-GRANTS-SCHOOLS: City Manager communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Parks and Recreation Youth Services Division supervised Summer Nutrition Program; breakfast and lunch are provided to children throughout the City from mid-June through early-August; more than 2,600 children/youth received lunch and/or breakfast on a daily basis at 19 sites during the summer of 2003; in 2004, four sites were added with two other sites pending, and snacks will be offered during two special after-summer-school programs that will operate until 5:30 p.m.; local funds, in the amount of \$40,000.00, have been appropriated in the fiscal year 2004-2005 General Fund budget in the Parks and Recreation Youth Services Division budget, Account No. 001-620-8170-2034 (Special Projects); and local funds will be used to provide staffing and program materials.

It was further advised that funds for the program are provided through the United States Department of Agriculture Food and Nutrition Service; the program is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose of the program is to provide nutritionally balanced, healthy meals to children, ages one through eighteen, and for those with special needs; adult, summer staff manage the program and youth are hired to assist at food service sites; and the City is reimbursed on a per meal basis.

The City Manager recommended that Council:

Accept the Summer Food Program grant, in the amount of \$143,315.00, and authorize the City Manager and City Clerk to execute and attest respectively, an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Establish a revenue estimate, in the amount of \$183,315.00, and appropriate funding to expenditure accounts as outlined in the program budget in accounts to be established by the Director of Finance in the Grant Fund.

Transfer \$40,000.00 from fiscal year Account No. 001-620-8170-2034 (Special Projects) in the Parks and Recreation Youth Services Division budget to the Grant Fund, and appropriate funds in the Grant Fund as more fully described in an attachment to the report.

Council Member Dowe offered the following budget ordinance:

(#36765-070604) AN ORDINANCE appropriating funds for certain sections of the Summer Food Program, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book, No. 69, page 6.)

Mr. Dowe moved the adoption of Ordinance No. 36765-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, McDaniel, Wishneff and Mayor Harris-----5.

NAYS: None-----0.

(Council Members Cutler and Lea were not in the Council Chamber when the vote was recorded.)

Council Member Dowe offered the following resolution:

(#36766-070604) A RESOLUTION authorizing acceptance of a grant from the United States Department of Agriculture Food and Nutrition Service on behalf of the City to provide nutritionally balanced, healthy meals for children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 69, page 7.)

Mr. Dowe moved the adoption of Resolution No. 36766-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES: Council Members Dowe, Fitzpatrick, McDaniel, Wishneff and I	
Harris	5	5
	NAYS: None	0

(Council Members Cutler and Lea were not in the Council Chamber when the vote was recorded.)

BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that the Fire Programs Fund was established by the General Assembly, effective October 4, 1985, pursuant to Section 38.1-44.1 Code of Virginia, 1950, as amended; the sunset clause requiring expiration of the Fund on July 1, 1990 was removed, thus, the City's annual allocation of State funds will continue indefinitely; program guidelines require that funds received

are non-supplanting and may not be used to replace existing local funding; and all program funds must be used in accordance with provisions established by the State Department of Fire Programs.

It was further advised that in January 2003, the City of Roanoke's allocation of \$127,202.00 was deposited into Account No. 035-520-3232-3232 from the Department of Fire Programs; at the beginning of fiscal year 2004, due to the Commonwealth's on-going fiscal concerns, there was creditable probability that additional monies, beyond the amount already tendered for fiscal year 2004, would later need to be transferred from the "Fire Programs Fund" to the State's "General Fund"; therefore, those jurisdictions that normally would have received a fiscal year 2004 entitlement based on their population were frozen.

The City Manager advised that such probability did not materialize and the Department of Fire Programs made supplemental payments to all such affected jurisdictions, including the City of Roanoke; the supplemental amount of \$14,416.00, in addition to the \$127,202.00 received in January 2003, is the City's appropriate fiscal year 2004 entitlement of \$141,618.00; and action by Council is needed to formally accept and appropriate funds, as well as authorize the Director of Finance to establish revenue estimates in appropriate accounts in accordance with provisions of the program.

The City Manager recommended that she be authorized to accept the Fire Programs Funds Grant, to execute, accept and file any documents setting forth conditions of the grant and to furnish such additional information as may be

required; and that Council appropriate grant funds in the amount of \$14,416.00, with a corresponding revenue estimate, in accounts to be established by the Director of Finance in the Grant Fund.

Council Member Dowe offered the following budget ordinance:

(#36767-070604) AN ORDINANCE to appropriate funding for additional Fire Program Grant funds, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, page 8.)

Mr. Dowe moved the adoption of Ordinance No. 36767-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

recorded.)

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, Wis Mayor Harris			
,	NAYS: None		
	(Council Member Lea was not in the Council Chamber when the vote	e was	

Mr. Dowe offered the following resolution:

(#36768-070604) A RESOLUTION authorizing the acceptance of additional FY2004 Fire Programs Grant Funds made available to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 69, page 8.)

Mr. Dowe moved the adoption of Resolution No. 36768-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, or Harris	
wayo	of Hallis	0,
	NAYS: None	0.

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

BRIDGES: The City Manager submitted a communication advising that the 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program; bridge inspection reports are required on 69 structures in the City of Roanoke this year; 26 structures are inspected annually, while 43 structures are inspected bi–annually; one tunnel (underpass) also needs to be inspected; Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three year Bridge Inspection Program, with years two and three to be negotiated based on the number of structures to be inspected in each of the subsequent years; Hayes, Seay, Mattern & Mattern, Inc., has agreed to inspect 36 bridges at a cost of \$83,100.00 for year three; Mattern & Craig, Inc., has agreed to inspect 33 bridges, one tunnel (underpass), and 14 overhead signs at a cost of \$72,400.00 for year three; and funding in the amount of \$155,500.00 is available in Account No. 001–530–4310–3072 (Bridge Inspections).

The City Manager recommended that she be authorized to execute Amendment No. 2 for consulting services for the above work with Hayes, Seay, Mattern & Mattern, Inc., and Amendment No. 2 with Mattern & Craig, Inc., in the amounts of \$83,100.00 and \$72,400.00 respectively, for the third year (2004) for bridge, tunnel, and overhead sign inspection services.

Council Member Dowe offered the following resolution:

(#36769-070604) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 2 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 36 bridges.

(For full text of Resolution, see Resolution Book No. 69, page 9.)

Mr. Dowe moved the adoption of Resolution No. 36769-070604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

Vice-Mayor Fitzpatrick offered the following resolution:

(#36770-070604) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 2 to the City's contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 33 bridges, one tunnel (underpass), and 14 overhead signs.

(For full text of Resolution, see Resolution Book No. 69, page 10.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36770-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

DONATIONS/CONTRIBUTIONS-GREENWAY SYSTEM: The City Manager submitted a communication advising that the Lick Run Greenway Phase II Project consists of approximately 1.76 miles of greenway trail and associated appurtenances beginning with a connection to the Phase I greenway at Court Street and continuing to Wells Avenue; a majority of the trail is located adjacent to Lick Run; the Engineering Division is finalizing plans and specifications for the project in anticipation of bidding the project this summer; all properties have been acquired for the project, with the exception of properties owned by W. S. Connelly and Co., Inc. (Official Tax Nos. 2022205 and 3022820), which properties are located in the Gainsboro Neighborhood on Sydnor Circle adjacent to the Holiday Inn Express on Orange Avenue; the property owner, W. S. Connelly and Co., Inc., is prepared to donate land rights necessary for the proposed greenway project; however, W. S. Connelly and Co., Inc., wishes to be indemnified as provided by the Virginia Code Annotated §29.1–509 Section E.

The City Manager recommended that she be authorized to acquire the above described property rights.

Council Member Cutler offered the following resolution:

(#36771-070604) A RESOLUTION authorizing the City to indemnify and hold harmless W. S. Connelly and Company, Inc., as a condition of the donation by W. S. Connelly and Company, Inc., of certain easements across Official Tax Nos. 2022205 and 3022820, necessary for the completion of the Lick Run Greenway Phase II Project, and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 69, page 11.)

Mr. Cutler moved the adoption of Resolution No. 36771-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the Roanoke Civic Center opened in March, 1971; the two main facilities included the Coliseum and the Auditorium; when the Civic Center was built, continental seating for Auditoriums was at the height of fashion, and ADA compliance was not an issue; and many things have changed in

public assembly facilities inasmuch as newer facilities provide cross, center, and side aisles with handicap accessibility.

It was further advised that in order to bring Auditorium seating up to date, new chairs are needed; chairs should be replaced because they are worn and replacement parts are difficult to find; also, handicap access would be greatly improved with a new configuration; during fiscal year 2003-2004, \$146,000.00 was appropriated from retained earnings for seat refurbishment; and if seats are refurbished only, the estimated cost would be as much or more than replacement and there would still be no center, side, or cross aisles.

It was explained that new chairs and aisles would provide better wheel chair access, arm lifts for patrons that have limited mobility, and some would be removable for special purposes; bids for seat replacement were received on July 2, 2004, and the low bid was submitted by Irwin Seating Company in the amount of \$307,568.00; total funding, in the amount of \$338,324.00, is required and includes a ten per cent contingency; beyond the amount originally appropriated, additional funding, in the amount of \$192,324.00, is needed to fund the entire amount; and new seats would greatly improve the appearance of the Auditorium and provide quality seating for all patrons, including Symphony and Broadway Series season ticket holders.

The City Manager recommended that Council appropriate funds, in the amount of \$150,000.00, from Civic Facilities Fund Retained Earnings and transfer \$42,324.00 from Capital Project Contingency (001-300-9410-2280) to Civic Facilities Seat Refurbishment Project (005-550-8623).

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#36772-070604) AN ORDINANCE to appropriate funding to the Civic Facilities Seat Refurbishment Project, amending and reordaining certain sections of the 2004-2005 General and Civic Facilities Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, page 12.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36772-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Counc	il Members Cutler,	, Dowe, Fitzpatrick,	McDaniel,	Wishneff a	nd
Mayor Harris					-6.

NAYS: None
NATS. NOILE

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

VIRGINIA TRANSPORTATION MUSEUM: The City Manager submitted a communication advising that the Virginia Museum of Transportation, Inc., has requested the lease of the 611 and 1218 locomotives from the City of Roanoke for a period of 20 years; consideration for the lease shall be a nominal annual payment of \$1.00 by the Museum to the City; and the lease would be renewable at the end of the 20 year term, with the City to assume full control over the locomotives should the Museum cease to operate for any reason; and the Transportation Museum would also fully insure the locomotives and keep the locomotives in top restored condition.

It was further advised that the Executive Director of the Transportation Museum believes that the long term lease is necessary in order to make funding appeals to individuals, corporations and foundations; sponsors and grantors need to be guaranteed that the locomotives are displayed in a stable situation for the duration of an exhibition, as well as possible extension or renewal of the exhibition; a lease has been prepared between the Virginia Museum of Transportation and the City of Roanoke and a letter has been sent to the Shenandoah Virginia Corporation (a subsidiary of the Norfolk Southern Corporation) requesting its consent to terms of the lease; and lease of the 1218 locomotive is subject to approval by the Shenandoah Virginia Corporation.

The City Manager recommended that she be authorized to execute a lease with the Virginia Museum of Transportation, Inc., to be approved as to form by the City Attorney.

The City Attorney advised that legal counsel for Norfolk Southern indicates that the Shenandoah Virginia Corporation, which donated the 1218 to the City of Roanoke, in is agreement with the lease.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#36773-070604) AN ORDINANCE authorizing the City Manager to execute a lease between the City and the Virginia Museum of Transportation, Inc., for the lease of two steam locomotives, known as the 611 and 1218, currently housed at the Virginia Museum of Transportation, upon certain terms and conditions, and dispensing with the record reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, page 13.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36773-070604. The motion was seconded by Mr. Wishneff.

Council Member Dowe advised that he serves on the Board of Directors of the Virginia Museum of Transportation and the Western Virginia Foundation for the Arts and Sciences, in which capacities he receives no remuneration. He inquired if he should abstain from voting on the ordinance.

The City Attorney advised that Mr. Dowe may vote on the ordinance inasmuch as he is not a paid Director of the two organizations.

Ordinance No. 36773-070604 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was not in the Council Chamber when the vote was recorded.)

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that on February 17, 2004, Council requested additional information from the City administration on a request from the Roanoke Arts Commission for funds to engage a consultant in developing and implementing a Public Art Master Plan; staff has reviewed the Arts Commission's materials and the draft request for proposals, and can support a \$50,000.00 allocation to prepare the Plan.

The City Manager recommended that Council authorize transfer of \$50,000.00 from Capital Project Contingency Account No. 001-300-9410-2280, to the Roanoke Arts Commission Account No. 001-300-7220-3754, for the purpose of preparation of the public Art Master Plan.

Mr. Cutler offered the following budget ordinance:

(#36774-070604) AN ORDINANCE to authorize transfer of funds for Public Arts Master Plan, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, page 14.)

Mr. Cutler moved the adoption of Ordinance No. 36774-070604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was not in the Council Chamber when the vote was recorded.)

### **DIRECTOR OF FINANCE:**

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of May 2004.

There being no questions, without objection by Council, the Mayor advised that the Financial Report for the month of May would be received and filed.

CITY CODE-TAXES-LICENSES: The Director of Finance submitted a written report advising that pursuant to changes made to State law in 2002, localities were given the authority to deny certain permits to taxpayers if the taxpayer was delinquent in the payment of local real estate taxes; accordingly, Section 32–7 of the City Code was enacted to provide that the City shall deny a request made by a taxpayer for a special exception, a variance, a rezoning or a building permit if such taxpayer was delinquent in the payment of real estate taxes; and Section 19–1.2(b) of the City Code, already in effect in 2002, provides that a taxpayer delinquent in the payment of business license, personal property, meals, transient occupancy or admissions taxes may be denied a business license for that reason.

It was further advised that during the last session, the General Assembly enacted a law limiting a locality's authority to deny a taxpayer's application for certain permits and licenses under certain circumstances; and effective July 1, 2004, Section 58.1–3994 of the Code of Virginia (1950) as amended, goes into effect which provides that a locality shall not refuse to issue any permit or license to a taxpayer if the sole basis for denial of such permit or license is the taxpayer's failure to pay taxes, penalties or interest and such taxpayer has pending a bona fide application or appeal to the locality with respect to such taxes, penalties or interest.

The Director of Finance recommended that Council authorize amendments to Sections 32-7 and 19-1.2(b) of the City Code to bring said sections into compliance with Section 58.1-3994 of the State Code.

Mr. Dowe offered the following ordinance:

(#36775-070604) AN ORDINANCE amending §32-7, Delinquent real estate taxes, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, and §19-1.2(b), License required; requiring evidence of payment of business license, business personal property, meals and admissions taxes, of Article II, In General, of Chapter 19, License Tax Code, of the Code of the City of Roanoke (1979) as amended, by including certain limitations required by state law on the City's authority to deny an application for a special exception, variance, rezoning, or certain permits and business licenses respectively, on the basis that delinquent taxes are owed the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, page 15.)

Mr. Dowe moved the adoption of Ordinance No. 36775-070604. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Vice-Mayor Fitzpatrick was not in the Council Chamber when the vote was recorded.)

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

STADIUM-COUNCIL: Council Member Wishneff requested that Council engage in a work session on Monday, July 19, 2004, at 12:00 noon to discuss the process for moving forward on the Victory Stadium issue.

Without objection by Council, the Mayor advised that he would work with the City Manager and the City Clerk to schedule the work session.

BUDGET-LEGISLATION: Council Member Wishneff spoke in regard to a formal method of recognizing funding by citizens and local government for arts and cultural organizations; i.e.: a regionalized State entity, with funding to channel through the regional entity as a formal line item in the State's budget; and, in exchange, citizens and local government would be required to provide matching funds.

He requested that the City Attorney draft the appropriate language to be forwarded to the Council's Legislative Committee for consideration.

Without objection by Council, the Mayor advised that the matter would be referred to the Legislative Committee.

Council Member Cutler concurred in the remarks of Mr. Wishneff and advised that he has been a long time advocate of a regional entity to speak on behalf of all art museums that qualify for inclusion in the Governor's budget.

ZONING-LIBRARIES: Council Member Cutler congratulated Nancy Snodgrass who was promoted to the position of Zoning Administrator, and Sheila Umberger who will serve as Acting Director of Libraries.

COUNCIL: Mayor Harris welcomed Council Members McDaniel, Lea and Wishneff.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ELECTIONS-ACTS OF ACKNOWLEDGEMENT-STADIUM-COUNCIL: Mr. William J. Bryant, 124 Fleming Avenue, N. E., spoke in support of renovation of Victory Stadium. He advised that he strongly supports Roanoke's history through the preservation of historic buildings and facilities; the City of Roanoke should not compete with larger cities across the country, but remain stabilized and serve the citizens of Roanoke by letting their voices be heard; and the citizens of Roanoke should have a voice in electing Council members to fill unexpired terms of office on the Council. He called attention to potential problems relative to the new electronic voting machines which are proposed to be used during the November 2004 Presidential Election and the reluctance by some citizens to use the new equipment. He commended former Mayor Ralph K. Smith for his service to the City of Roanoke over the past four years.

BRIDGES-COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed appreciation to former Mayor Ralph K. Smith for his service to the citizens of Roanoke. She expressed concern in regard to Council briefings which are held in the Council's Conference Room and are not televised on RVTV Channel 3 for viewing by the general public; and referred specifically to the Dr. Martin Luther King., Jr. Bridge briefing on June 21 which was held in the Council's Conference Room and was not televised. She requested that any future briefings on the Dr. Martin Luther King, Jr. Bridge project be conducted in a setting that allows for the proceedings to be televised by RVTV Channel 3.

COMPLAINTS: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that the average person living in the City of Roanoke cannot afford to purchase a house; the City should offer incentives to keep citizens in Roanoke; the wishes of citizens should be acknowledged by Council; there is a need for honest and open government; there is a need for better maintenance of the City's streets and

infrastructure; persons should be hired in key City management positions who will work with the citizens; and there should be greater recognition of the City's work force.

STADIUM-COUNCIL: Mr. Adrian Lewis, 2538 Belle Avenue, N. E., requested that Council, as elected officials, maintain open dialogue with the citizens of the City of Roanoke. He spoke in opposition to the renovation of Victory Stadium which is located in the flood plain and lacks sufficient parking due to the location of the Bio Medical Institute. He questioned the need for a 20,000+ seat venue (Victory Stadium).

COUNCIL: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of open communication between City Council and the citizens of the City of Roanoke. She asked that Council work with citizens from the bottom up, instead of from the top down, beginning with Roanoke's students and schools which are the backbone of the City. She asked that the comments of citizens be taken into consideration and that Council take the time to publicly communicate with citizens, as opposed to engaging in one-on-one dialogue.

STADIUM-COUNCIL: The Reverend John Kepley, 2909 Morrison Street, S. E., congratulated the three new Members of Council and the Mayor, and advised that citizens will be working for a new day of peace, prosperity and advancement for the City of Roanoke. He called attention to the successful Fourth of July celebration at Victory Stadium which was attended by over 20,000 persons, and asked that Council Members keep their campaign pledges to the citizens of Roanoke who voted for them on the basis that they will restore this memorable and valuable City landmark.

# CITY MANAGER COMMENTS:

CELEBRATIONS-WATER RESOURCES: The City Manager called attention to activities that occurred in the City of Roanoke over the Fourth of July weekend; i.e.: the Jehovah's Witness Convention at the Roanoke Civic Center which attracted over 6000 participants, the Fourth of July Music for Americans celebration at Victory Stadium, and the Motor Madness program on the City Market. She advised that July 1, 2004, will be remembered in the history of the City of Roanoke and the region as the day that the Western Virginia Water Authority took over water and waste water operations in the Roanoke Valley, which represents a significant beginning along the path of additional regional ventures.

At 4:25 p. m., the Mayor declared the Council meeting in recess to be reconvened in Room 159 for an update by representatives of the Virginia Department of Transportation.

The Council meeting reconvened at 4:30 p. m., in Room 159, Noel C. Taylor Municipal Building, for a briefing by representatives of the Virginia Department of Transportation, with all Members of the Council in attendance, Mayor Harris presiding.

STATE HIGHWAYS-TRAFFIC: The City Manager recognized representatives of the Virginia Department of Transportation, and called upon Kenneth H. King, Jr., Transportation Division Manager, for an overview of the briefing; i.e.:

- Introduction of Dana Martin, Commonwealth Transportation Board Member; and Richard Caywood, District Administrator, Virginia Department of Transportation (VDOT)
- Proposed routing of I-73, recent changes from Southeast to following the US 220 Corridor
- I-581/US 220 Corridor Study called for by the previous Council
- Mike Gray, representative of VDOT

Dana Martin, Member of the Commonwealth Transportation Board, introduced Richard Caywood, District Administrator, Virginia Department of Transportation, who stated that his role is to listen to citizens in the different localities to ascertain what they would like to see included in the highway project within budgetary constraints; VDOT adheres to a set of policies throughout the state and reviews all available options for various projects; and the Roanoke geographic area contains multi-mobilism options (alternate uses of transportation, particularly rail).

Mr. Caywood introduced Rob Cary, District Location and Design Engineer for the Salem District, VDOT, for an update on the I-73 project.

Mr. Cary referred to a handout regarding proposed changes to the I-73 route due to recent designation of the southeast Roanoke neighborhood as a Historic District. He explained the following:

- The red alternative on the I-73 plan was developed from citizen comments in 2001, but could not be utilized because of the historic district designation.
- The blue alternative on the I-73 plan modifies only a 12-mile section of the route in southeast Roanoke, Roanoke County and northern Franklin County.
- The option being considered for re-routing I-73 uses existing Route 220 from Elm Avenue, continues south into the Clearbrook area of Roanoke County, veers southeast of Buck Mountain along Route 657 (Crowell Gap Road) into Franklin County and rejoins the original corridor plan.

He stated that the proposed schedule is to present the alternative to the Commonwealth Transportation Board on July 15, 2004, for review and approval; upon approval, the Final Environmental Impact Statement will be completed on the selected corridor (from I-81 down to North Carolina) by September 2004 and will be sent to the Federal Highway Administration for evaluation, approval and issuance of a Record of Decision in early 2005, which will allow allocation of funds and moving the project to the design stage.

Mr. Cary called for questions regarding the proposal for I-73.

Vice-Mayor Fitzpatrick stated that a citizen previously expressed concern about whether any of the Old Southwest Historic District will be involved in the project; and he could not tell where the Route 220 interchanges will be that will allow access to Wal-Mart and Buck Mountain Road.

Mr. Cary stated that there will be an interchange for Route 419, the other interchange will be at Buck Mountain Road, there will not be an interchange with the Parkway, but a transitional area for Parkway access, and the actual type of interchange has not been detailed.

Council Member Wishneff requested clarification regarding the process of approving the change in the corridor route and Mr. Cary reiterated that the Commonwealth Transportation Board will have to rescind the corridor that was approved, approve the new corridor, and then finalize the Environmental Impact Statement, and the National Park Service will be included to work through some parts prior to finalizing the Environmental Impact Statement.

Mr. Wishneff requested that Mr. Cary review a previous map and the I-581 corridor area lane changes at the Valley View Mall interchange.

The City Manager advised that several years ago, Council and other local governing bodies were afforded an opportunity to provide comments and to identify which route each supported; City Council opposed the one route through the City of Roanoke; VDOT is preparing to move forward with this change based upon the historic designation of the southeast neighborhood and will not invite comments from local jurisdictions at this time, but believes that it is important to provide information to Council on the alignment of the route throughout the City, given the fact that public meetings were held on June 1 and 2. She further advised that the bulk of the route will use existing right-of-way already acquired by VDOT, as it relates to I-581 and Route 220, and the more dramatic impacts will occur at the south end of the City and into Roanoke County on Route 220.

Mr. Cary stated that the purpose of the Environmental Impact Statement is not to determine the final right-of-way locations; the Federal Highway Administration requires the same shoulder width on the medium barrier as on the outside of the lanes where there are three lanes in either direction, and the

key is to have eight feet for the shoulder on either side. He further stated that most of the change will take place at the interchanges; some areas will need to be reworked for future traffic, such as the area between Orange Avenue and Elm Avenue because recent traffic counts reflect that approximately 100,000 vehicles pass through the area per day.

The City Manager noted that the third portion of the study reflects that VDOT is willing to participate with the City in regard to all three critical interchanges, well in advance of any I-73 effort.

Mr. Cary reiterated that once a final decision is made to proceed with the revised corridor, the next step will be to start the preliminary hearing work, to prepare detailed surveys and design work, which will afford an opportunity for more citizen input at additional public hearings.

Council Member Wishneff voiced concern over the environmental impact of increased traffic; whereupon, the City Manager replied that the impact effort the City is making will keep the City under the threshold by the required year.

Council member Cutler stated that the Environmental Impact Statement on the project suggested that the flow of traffic with less idling will improve air quality.

Vice-Mayor Fitzpatrick agreed and advised that most air pollution comes from road traffic, not interstates, and if the City does not succeed in its early intervention plan for air pollution, VDOT may need to deal with the issue.

Mr. King was requested to speak to the study of interchanges since they have a more immediate impact on the community; whereupon, he advised that it was known over a year ago that I-73 would pass through the interchange with Elm Avenue, which is a source of congestion, and access was a key issue of discussion concerning the Biomedical Institute. He stated that a number of reviews and studies were prepared by consultants and VDOT concerning the two areas, and consideration of modifications to the Franklin Road partial interchange by making it a full interchange were reviewed. He further stated that VDOT envisioned improvements to Wonju Street as a connection to provide access to the Biomedical area and as an extension of the downtown area; Elm Avenue is the heart of the area and improvements should be made as well as focusing on what could be done in the interim for the current situation. With that in mind, he stated that Council appropriated \$100,000.00 to a capital account and now is the time to study what the Elm Avenue interchange might look like with improvements to Wonju Street and Orange Avenue, which would be a significant cooperative study with VDOT. He introduced Mike Gray, representing VDOT.

Mr. Gray explained that a study team was created consisting of representatives from the City, VDOT and the regional commission to study interchange areas; the team put together a request for proposals which will soon be released to the public; and approximately \$300,000.00 in State and Federal funding has been approved. He stated that it would be in the best interests of both the City and VDOT to make improvements to the interchanges.

Mr. King advised that the City is a partner in the study and will have direct involvement in the process, and funds have already been used to collect traffic data for the first part of the study in advance.

Mayor Harris inquired about the status of the maintenance program relative to upgrading the appearance of I-581, as opposed to reconfiguration of I-581. Mr. Gray replied that maintenance is a part of the issue; a study has been completed of interchange duplication which is similar to the study that was done by the City of Lynchburg some time ago; VDOT has a viable plan to work with, but the challenge is in determining what type of funding can be used and whether funding can be used for the maintenance program; and he will work with City staff to identify specific deliverables out of smaller amounts of ordinary maintenance program funding to make the area look better.

The City Manager advised that certain businesses in the past have expressed a willingness to support financially the beautification of the areas in question, it would be beneficial to know as soon as possible that any problems envisioned by VDOT with the Lynchburg advertising model have been resolved so that the City could encourage local businesses to participate, realizing that once the changes are made, someone will be responsible for maintenance.

Vice-Mayor Fitzpatrick suggested that VDOT let the City know what can be done as soon as possible so that business partners and citizens may participate.

Mayor Harris expressed appreciation to VDOT officials and to City staff for an informative briefing.

At 5:30 p. m., the Mayor declared the meeting in recess and Council convened in closed session in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

At 5:40 p. m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any

Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that the terms of office of Sharon Hicks and Wendi Wagner as members of the Youth Services Citizen Board expired on May 31, 2004; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Cutler placed in nomination the names of Sharon Hicks and Wendi Wagner.

There being no further nominations, Ms. Hicks and Ms. Wagner were reappointed as members of the Youth Services Citizen Board, for terms ending May 31, 2007, by the following vote:

FOR MS. HICKS AND MS. WAGNER: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-PENSIONS: The Mayor advised that the terms of office of Donna Johnson, Michael W. Hanks and Cyril J. Goens as members of the Board of Trustees, City of Roanoke Pension Plan, expired on June 30, 2004; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Cutler placed in nomination the names of Donna Johnson, Michael W. Hanks and Anthony Wallace.

There being no further nominations, Ms. Johnson was reappointed for a term ending June 30, 2008, Mr. Hanks was reappointed for a term ending June 30, 2006, and Mr. Wallace was appointed for a term ending June 30, 2006, as members of the Board of Trustees, City of Roanoke Pension Plan, by the following vote:

FOR MS. JOHNSON, MR. HANKS AND MR. WALLACE: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

Inasmuch as Messrs. Hanks and Wallace are not residents of the City of Roanoke, Mr. Cutler moved that the City residency requirement be waived. The motion was seconded by Mr. Dowe and unanimously adopted.

OATHS OF OFFICE – COMMITTEES – PERSONNEL DEPARTMENT – GREENWAY SYSTEM – ROANOKE ARTS COMMISSION – LIBRARIES – CONVENTION AND VISITORS BUREAU – FIRE DEPARTMENT – HUMAN DEVELOPMENT – FLOOD REDUCTION/CONTROL – WAR MEMORIAL – PARKS AND RECREATION – TOWING CONTRACT: The Mayor advised of the following expiration of terms of office on June 30, 2004:

Personnel and Employment Practices Commission	Tamara S. Asher and William C. Holland for terms ending June 30, 2007
Roanoke Valley Greenways Commission	Talfourd H. Kemper, Jr., for a term ending June 30, 2007
Roanoke Arts Commission	William B. Hopkins, Jr., Terri R. Jones, Mark C. McConnel and Kristi Pedelty for terms ending June 30, 2007
Roanoke Public Library Board	Herbert D. McBride for a term ending June 30, 2007
Roanoke Valley Convention and Visitors Bureau	A. Morris Turner, Jr., for a term ending June 30, 2005
Board of Fire Appeals	Edwin L. Noell, Bobby Lavender and Mark K. Cathey for terms ending June 30, 2008
Human Services Committee	H. Clarke Curtis, Frank W. Feather, Pam Kestner-Chappelear, Randy Leftwich and Jane R. Conlin for terms ending June 30, 2005
Flood Plain Committee	Lucian Y. Grove, Bill Tanger, Mack D. Cooper, Dennis Tinsley, Read A. Lunsford, Frank B. Caldwell, Herbert C. Berding, Jr., and Edgar V. Wheeler for terms ending June 30, 2005
War Memorial Committee	Alfred C. Moore, Robert O. Gray, Harold H. Sorrell, Sr., Philip C. Schirmer and Sloan H. Hoopes for terms ending June 30, 2005

Mill Mountain Advisory Committee

E. C. Pace, III, Steven Higgs, Louise F. Kegley, Richard Clark, Eddie Wallace, Betty Field, Michael Loveman and Carl H. Kopitzke for terms ending June 30, 2005

Towing Advisory Board

Charles Brown and William F. Clark for terms ending June 30, 2007

The above named persons were reappointed to their respective committees for the above referenced terms of office by the following vote:

FOR MS. ASHER, MR. HOLLAND, MR. KEMPER, MR. HOPKINS, MS. JONES, MR. MCCONNEL, MS. PEDELTY, MR. MCBRIDE, MR. TURNER, MR. NOELL, MR. LAVENDER, MR. CATHEY, MR. CURTIS, MR. FEATHER, MS. KESTNER-CHAPPELEAR, MR. LEFTWICH, MS. CONLIN, MR. GROVE, Mk. TANGER, MR. COOPER, MR. TINSLEY, MR. LUNSFORD, MR. CALDWELL, MR. BERDING, MR. WHEELER, MR. MOORE, MR. GRAY, MR. SORRELL, MR. SCHIRMER, MR. HOOPES, MR. PACE, MR. HIGGS, MS. KEGLEY, MR. CLARK, MR. WALLACE, MS. FIELD, MR. LOVEMAN, MR. KOPITZKE, MR. BROWN AND MR. CLARK: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris------7.

Inasmuch as Ms. Jones, Ms. Kestner-Chappelear, Mr. Tanger, Mr. Caldwell, Mr. Schirmer, Mr. Brown and Mr. Clark are not residents of the City of Roanoke, Mr. Cutler moved that the City residency requirement be waived. The motion was seconded by Mr. Dowe and unanimously adopted.

At 5:45 p. m., the Mayor declared the Council meeting in recess until Friday, July 16, 2004, at 12:00 noon in the Shenandoah Room, The Hotel Roanoke and Conference Center, for a presentation by Michael Boyd, President, Boyd Group Aviation Systems Research Group, on Community Team Building for Airports and the communities they serve, which meeting will be declared in recess until Monday, July 19, 2004, at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, for a Council workshop to discuss the process for moving forward on the Victory Stadium issue.

The Tuesday, July 6, 2004, the regular meeting of Roanoke City Council, which was recessed until Friday, July 16, 2004, at 12:00 noon, in the Shenandoah Room, The Hotel Roanoke and Conference Center, for a presentation by Michael Boyd, President, Boyd Group Aviation Systems Research Group, on Community Team Building for Airports and the communities they serve, was called to order, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding.

PRESENT: Council Members M. Rupert Cutler and Vice-Mayor Beverly T. Fitzpatrick, Jr.----2.

ABSENT: Council Members Alfred T. Dowe, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----5.

OTHERS PRESENT: George C. Snead, Jr., Assistant City Manager for Operations; and Sheila N. Hartman, Assistant City Clerk.

AIRPORT: Michael Boyd, President, Boyd Group Aviation Systems Research Group, gave an overview of the following information:

- Realities of air service as related to fares, airline pricing, airline economics and airline decision making in general as specifically related to airports the size of the Roanoke Regional Airport
- Air service issues at Roanoke Regional Airport related to market size and demand vs. service levels and fares, and impact of regional jets and the concept of "leakage"
- The role that the Roanoke Regional Airport plays in the region as compared to service and fares with other similar airports and the strategies of "low fare" airlines
- The roles of the community and Roanoke Regional Airport concerning the on-going marketing program and efforts that can be made to work together to retain and improve air service

### Where Roanoke stands:

- Roanoke has good service, access and some opportunities
- New Air Transportation Horizon

Flights are full, but losses are higher

A materially different cost environment

Material change in traffic drivers - whole new metrics

A different mix of passengers

Business travel is flat or declining

Airlines are consolidating - fewer airlines

- Traffic is fundamentally different, lost 70 million passengers between 2000 and 2003
- · Airlines business is smaller

20% revenue shortfall

No industry can absorb this without fundamental changes in the way they do business

Went from Pre - 9/11 - expansion to Post - 9/11 - survival

Airline Industry - A new structure
 Three basic structures - network airline systems, low-fare cherry-pickers, small jet providers to network systems (no longer any "regional" airlines)
 Roanoke is connected to airline systems

## Overview of Main Trends:

Alliances - Continental Airlines participates

Collaborative competition - Access to smaller airline systems to serve smaller communities

Passenger planes with 50/70 seats

Fares will probably go up, but access is not going to drop

- Airline expansion strategies low risk, high return, concentration on business travel
- Roanoke traffic is rebounding
- Roanoke service levels

Air service has improved since 9/11, more jet services, nonstop to New York

• Roanoke Hubs

Without connecting hubs, Roanoke would have much less service Over half of Roanoke traffic is to or from cities that, each by themselves, represent less than 1% of the total

No single destination from Roanoke represents more than 3.75% of the total

The wide and diverse hub service at Roanoke is a competitive advantage

• Roanoke Airline Traffic Mix

US Airways (41.2%), Delta (31.8%), United (13.1%), Northwest (11.2%), Other (2.7%)

Delta is likely to increase share in 2004

US Airways is likely to decrease share due to closure of its hub at Pittsburgh

Roanoke has service from four major airline systems

Roanoke now has access to eight major connecting hubs, plus New York/LaGuardia (Washington-IAD, Charlotte, Atlanta, Cincinnati, Chicago, Detroit, Philadelphia, Pittsburgh)

Exceptional access to Europe, plus two major airline gateways to Asia & China (Access to China will be critical to economic growth in the next decade)

Increasing levels of jet service

Clouds on the Horizon

Delta - Restructuring, but Roanoke is a key part of the route system United - Under FAA pressure to reduce flights into Chicago/O'Hare US Airways - Closure of Pittsburgh hub is likely

• Fares Comparison

Greensboro is almost always less cost

Roanoke versus Richmond/Tri-Cities is comparable

Fare to Chicago - Of the three, Roanoke has lower fare

#### Roanoke and Airline Realities - I

- There are very few airlines
- New route decisions are based on highest return for increasingly expensive assets
- Airlines look to markets where they can gain net-new traffic with the lowest risk; hence, there is not a lot of expansion currently at mid-size and smaller airports
- Roanoke has service from all but two possible major airline systems American and Continental
- Continental now has an alliance with Delta

### Roanoke and Airline Realities - II

- The Airport has no control over airline decisions
- The Airport actively works to recruit new service and enhance existing service
- Attracting a low-fare carrier is a function of having more potential traffic than other (and larger) communities
- Competition: Colorado Springs, Fresno, Richmond, and at least a dozen more
- Competition: Dallas/Ft. Worth, Las Vegas, Milwaukee

# Low-Fare Service not out of the picture

- New economics: the passenger hurdles are way up
- Figure 400,000 for Southwest
- Bigger markets and opportunities elsewhere
- AirTran at Dulles/Ft. Worth; Spirit at Detroit; Frontier at Los Angeles
- Roanoke is a bit down the ladder

# Independence Air

- Roanoke is a near certain target
- The business model (small jets with low fares) is not yet proven
- One of America's best managed companies
- Concept: Lower fares, not necessarily rock-bottom
- Current strategy: markets that can support 5-6 daily flights to Washington, without connecting traffic

# Other potential new service

- Continental: Some potential for Houston
- American: Some potential for Dallas/Ft. Worth
- JetBlue: Possible, but not before 2007, probably, due to aircraft deliveries

- Frontier: Now expanding mostly into Mexico and large markets from Los Angeles (Not in the cards)
- ATA: An option for service to Chicago/Midway; not likely until they order small jets (not on the horizon yet)

## What the community can do

- Roanoke has strong air service
- · Fares are not out of line with smaller airports
- Before booking check out Roanoke first
- Support for the current service will bring more service
- Assure suppliers and family members from other areas check out Roanoke first
- Consider value of time

Council Member Cutler suggested that the coalition that pledged \$2 million for a travel bank to bolster use of airlines should assign persons to continually monitor airfares and publicize low fares out of Roanoke through a "Check Roanoke First" campaign, using local news media.

Mr. Boyd noted that some localities use their websites to publish this type of information and agreed that Roanoke has something going in regard to disseminating information to the public and suggested that Roanoke continue to build on the concept.

Inasmuch as the Pittsburgh hub will close within the year, J. Granger Macfarlane, member of the Roanoke Regional Airport Commission, inquired if it would be appropriate and valuable for Roanoke to continue to call upon Continental Airlines to substitute the Cleveland hub for the loss of the Pittsburgh hub, which would add another carrier to the area and may open up the Houston hub.

Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, replied that she recently met with representatives of Continental Airlines, they are reviewing the matter and have expressed an interest in a Roanoke hub.

Mr. Boyd stated that the loss of the Pittsburg hub would be a problem, but some of the flights may be picked up through the northeast; and if US Airways went out of business tomorrow, the gap in service would probably be filled quickly by others.

Mr. Cutler suggested that the airport could tie into the Metro Bus Line from Blacksburg to Roanoke, and commuters could ride the bus to the airport in lieu of driving.

Mr. Boyd stated that something similar was tried by the City of Harrisonburg for the Shenandoah Valley which did not work well because most people prefer the convenience of their personal vehicle.

In the interest of economic development, Vice-Mayor Fitzpatrick inquired if there will come a time when a combination of airlines will come together as partners, with a willingness to build a structure such as a maintenance facility, and will this be helpful in recruiting another airline.

Mr. Boyd responded that American Eagle built a maintenance facility in Michigan and because of that, they now service Chicago, which they would not have done otherwise; and having a maintenance facility would be a positive draw for the area.

Ms. Shuck noted that the Roanoke Regional Airport presently has a maintenance facility for turbo props; and Vice-Mayor Fitzpatrick asked about the feasibility of a maintenance service for jets.

At 1:40 p.m., the Vice-Mayor declared the Council meeting in recess until Monday, July 19, 2004, at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a Council workshop to discuss the process for moving forward on the Victory Stadium issue.

The Tuesday, July 6, 2004, regular meeting of City Council which was recessed until Friday, July 16, 2004 and further recessed until Monday, July 19, 2004, reconvened at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a workshop to discuss the process for moving forward on the Victory Stadium issue, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda F. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris------7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Council Member Lea.

STADIUM: The Mayor advised that the purpose of the work session is not to study the fate of Victory Stadium, but to gain a consensus from the Council on the process by which a decision can ultimately be made. He opened the floor for comments by Council Members.

Council Member Wishneff presented the following proposal:

- 1. A citizens committee (Stadium Committee) be created to manage the evaluation process for studying the alternatives related to a Public Assembly/Sports Facility (Facility) for Victory Stadium (VS) and to make recommendations to Council on the best alternative(s).
- 2. The Stadium Committee would look at three program needs for the community: (1) sports (such as football, soccer and lacrosse), (2) an outdoor track, and (3) public assembly activities such as "The Walk for Life" and the July 4th concert.
- 3. Two alternative locations will be thoroughly evaluated for the sports component (VS and placing a facility at each high school), three alternatives for the track (VS, at each high school or in a separate location) and two alternatives for the public assembly facility (VS and at each high school).
- 4. The duties of the Stadium Committee would include:

Interviewing, selecting and negotiating a contract with a consulting team that should include architecture, engineering, marketing firms (consultants) to do a thorough evaluation of the cost of renovating VS for use as any or all of the three program needs, building a new facility at the two high schools or any or all of the three program needs, and an off-site alternative(s) for the track on land already owned by a public entity; the consultants shall legally work for the City but practically (day to day) for the Stadium Committee.

It will be up to the Stadium Committee to determine the scope of the consultants' work and to determine the various levels of quality and program alternatives to be studied at each of the locations.

Interview potential users (high schools, colleges/universities, sports clubs, promoters, State associations, others) about their needs and interest in using such facilities.

Working with the consultants, determine support facility and infrastructure needs, (parking, ingress, egress, environmental impact), for each location and program alternative.

Meet with groups whose surrounding facilities might be needed to enhance the various alternatives; for example, Carilion and the School Board would be approached about shared parking opportunities.

Working with the consultants, hold meetings with groups/entities (School Board, Carilion, PTA's, surrounding neighborhoods) to gain an understanding of the issues that might arise from the various alternatives and possible solutions to those issues.

Consultants work should include cost estimates for the various alternatives.

Use a variety of means (public meetings, media, etc.) to gather public comment on the alternatives.

The Sports Committee should rank various alternatives from most desirable to least desirable.

- 5. The Stadium Committee shall be made up of 15 people, which would include two appointees by each Council Member and Brian Wishneff as Council liaison; and each Council appointee must have the unanimous consent of the Council in order to be appointed.
- 6. Each Council Member shall have names to bring for Council consideration at the August 2, 2004, meeting for approval by Council at the meeting.
- 7. The Stadium Committee would be subject to all of the same FOI rules/regulations as City Council.
- 8. The Stadium Committee shall select a chair and vice-chair from among its members at its first meeting.
- 9. The Stadium Committee shall strive to complete its work within nine months of August 2, 2004.
- 10. Council shall appropriate \$150,000.00 for the Stadium Committee to carry out its work.
- 11. The City Clerk's Office shall provide secretarial support.
- 12. The City Manager, Finance Director and City Attorney's Office shall send a representative to each meeting of the Stadium Committee and provide support and assistance as requested.

Mr. Wishneff further advised that from a program or space point of view, there are four kinds of uses: (1) team sports at all levels of college and high school, (2) outdoor track and field, (3) outdoor use for community events over 10.000 persons, and (4) outdoor music events (more quality type events) which should be studied separately since a more specialized facility will be needed. He called attention to the need to address program issues, the question of whether the facility study is driven by a citizens committee or City Council directly, the role of City staff, location, i.e.: Victory Stadium, two high schools and an independent location, and to begin some type of advertising process. He stated that he has recommended appointment of a citizen committee to review the first three program needs, but not the small music venue, and to consider Victory Stadium as well as the two high schools and an independent site for track and field purposes: the committee would hire, interview and select a consulting team that would be composed of architects and engineers and others to evaluate cost, programs, the number of users ranging from high school, to recreation, to colleges and universities, in addition to critical issues like parking, ingress, egress, to meet with affected bodies such as the School Board, surrounding neighborhoods, Parent-Teacher Associations and ultimately propose a cost estimate for various alternatives. At the end of the process, he advised that Council will have all of the information it needs to make an informed decision.

Council Member Dowe advised that it was his understanding that the process was to address two issues: Victory Stadium or the specific Williamson Road/Orange Avenue site. He stated that the connotation is that the process is starting over if the scope of the study is to look at high schools and field opportunities, and, if that is the case, there is then a whole different level of ideas that some members of Council were not privy to; and other venues, other jurisdictions and other possibilities will need to be considered. He added that a delay in the process will involve the loss of several more years, and a possible change in the leadership of the City. He reiterated that it was his understanding that the issue was the renovation, practicality and cost effectiveness of Victory Stadium versus the Williamson Road/Orange Avenue site, and to this point he has not heard any mention of the Williamson Road/Orange Avenue site; whereupon, he inquired if the site is off the table, and if so, what will be done with the Williamson Road/Orange Avenue location.

Council Member Cutler advised that he would not be in favor of wasting all of the time, effort and investment that has gone into the Williamson Road/Orange Avenue site, which must be among the alternatives to be reviewed just as intensively as Victory Stadium, the two high school sites, and a combination stadium/amphitheater, etc. He presented a Proposed Roanoke Stadium Location Decision Matrix which includes more alternatives than were suggested by Mr. Wishneff that starts with the Williamson Road/Orange Avenue Stadium/Amphitheater because the site is already owned, prepared and plans are ready to proceed. Secondly, he suggested looking at the feasibility of continuing to develop the Williamson Road/Orange Avenue site as an amphitheater

comparable to the nearby Civic Center and work with the high schools to gain support from the neighborhoods around Patrick Henry and William Fleming High Schools for construction of high school football stadiums and tracks at each high school site. He stated that because the Patrick Henry site is smaller than the William Fleming site and the residential neighborhood is in closer proximity, the proposal might meet with more success by the neighborhood if a smaller football facility (1000 seats) is constructed at Patrick Henry and a larger stadium (6000 seats) is constructed at William Fleming, while continuing to develop the Orange Avenue and Williamson Road site as an amphitheater. Thirdly, he stated that Victory Stadium should be looked at in the context of a concert stage and a sports stadium, with a concert/amphitheater at another location. referred to a suggestion made by a local citizen, Sam Lionberger, that consideration be given to a site across Interstate 581 from Valley View Mall, and there may be other locations that should be considered. He mentioned the desirability of a regional facility; a study should not be limited to Victory Stadium and the two high schools; other program needs include the track and field opportunity; and the feasibility of maintaining one of the grandstands at Victory Stadium to review track and field events, lacrosse and other sports. He stated that he does not advocate the prompt razing of Victory Stadium because of the historic value of the facility; 4th of July activities can be celebrated on any flat piece of ground in the City and 4th of July celebrations could be held along the Roanoke River.

Council Member McDaniel advised that she is not totally sold on the idea of appointing a committee. First, she stated that Council needs to reach a consensus on the scope of the study and how far back it wishes to go, she would like to see the Orange Avenue site included in the study, she is cool to the idea of constructing smaller stadiums in neighborhoods because of lighting, traffic, littering, and noise issues, and because residents will be concerned about their neighborhoods which could detract attention from the larger issue of what to do about Victory Stadium, and what kind of facility is needed, etc. She stressed the need to look at what will provide the long term greater benefit to the citizens of Roanoke, and it would be advantageous to engage in a facility study on the cost of renovating Victory Stadium which appears to be the point where the process was derailed for lack of good and meaningful cost estimates. She suggested a review of previous studies of Victory Stadium and a comparison of the figures with the Orange Avenue site.

Council Member Lea advised that the citizens of the City of Roanoke spoke loud and clear on two occasions this year with regard to their wishes for Victory Stadium. He stated that there have always been options and alternatives, but the citizens of Roanoke have stated clearly that they want Council to resolve the issue of Victory Stadium and the question, first and foremost, should be whether Victory Stadium can be renovated, and, if so, at what cost. He added that it is not his position to look at other alternatives, and he supports all of the focus being placed on Victory Stadium.

Vice-Mayor Fitzpatrick advised that he did not campaign on the issue of Victory Stadium, but on the premise that he would be willing to look at a reconsideration of Victory Stadium. He stated that the broad picture is not about Victory Stadium, but about spending taxpayers' dollars responsibly, to ensure that we know what kind of sports venue is needed for high school students, be it a stadium or a track, and to look at potential entertainment needs of not just the City of Roanoke, but the entire Roanoke Valley. He added that nothing that has been discussed thus far; i.e.: a high school stadium at each of the high schools or Victory Stadium has any return on investment that fills up hotel rooms, or brings additional meals taxes to the community, or places money back into the community. He advised that the City has a responsibility to provide basic football, track and other needs for its students, but the bottom line is: what does the Roanoke Valley need in the way of entertainment facilities and what is needed for high school sports. He stated that no core drillings have been made at Victory Stadium to determine the facility's structural condition, costs have been estimated, but the bigger picture is the need to look at a regional entertainment venue that affords the opportunity for Roanoke County, the City of Salem and the Town of Vinton to participate and to share in revenues. He advised that the City of Roanoke is an unusual and unique place for a city of its size, it provides a stadium that seats 25,000 people, when the average football game attracts approximately 1000 people; and taking into consideration all of the venues, deleting the 4th of July celebration and Festival in the Park, there are less than 20,000 people who attend events at Victory Stadium each year, therefore, he will be hard pressed to spend large amounts of tax dollars on Victory Stadium without considerably more information and a better understanding of the future needs of the Roanoke Valley. He stressed the need for a thorough study of what the region could support, the kinds of entertainment that the region needs to look at, whether or not people will come to the Roanoke Valley if the right kind of regional venue is constructed, and what is the ultimate cost to renovate Victory Stadium.

Council Member Dowe advised that numerous and great ideas could eventually be uncovered, but there is a need to focus on the price of a thorough study that will reveal the cost to make Victory Stadium feel different. He said that athletic leaders and promoters have stated that the Roanoke community has a hard time supporting events, therefore, they do not select Roanoke and choose instead to go to Greensboro, or Richmond, or Charlotte, etc., where they know they can promote at least one or more successful shows.

Dr. Cutler referred to the diversity that is represented on the Council and the expertise that each Council Member brings to the table. He stated that his level of expertise in is natural resources management, including water management, flood control issues, etc., therefore, one cannot lose site of the fact that the Roanoke River will flood the site of Victory Stadium every few years; the State is unable to fund the Roanoke River Flood Reduction Project due to lack of funds and no funds are included in the 2005 budget of the Corp of Engineers to

help with the flood reduction project on the Roanoke River. Even if funds were included, he advised that design of the project is only to reduce flooding from a high peak to a somewhat less high peak and not to totally eliminate flooding, and if Victory Stadium were rebuilt, it would be necessary to rebuild the field at least ten feet higher than it is today in addition to rebuilding the infrastructure at an exorbitant cost. He stated that the reality is that the Victory Stadium site presents a flooding problem and will continue to be a site that will flood, therefore, how can the City continue to invest more tax dollars in a flood prone site.

Council Member Lea advised that his main focus continues to be on Victory Stadium, and certain colleges and universities have expressed an interest in playing football games at the facility.

The Mayor advised that there appears to be several issues that have evolved around today's discussion; i.e.: high school athletics (there is an issue as to where Patrick Henry and William Fleming will play football and an unresolved issue about an appropriate track and field venue for track teams that has been ongoing for several years); (2) an issue regarding a regional entertainment venue - the amphitheater concept and whether there is a market to support an amphitheater, etc.; (3) Victory Stadium as an already existing facility; and (4) what can be done with Victory Stadium if another alternative is pursued. He stated that he would like for the Council to gain some consensus on whether these are issues that the Council would like to study, or is the Council of a mind to appoint a citizens committee to study and make recommendations. He called attention to the amount of time that will be required to study the issues; and, in the past, Council has utilized citizens for these types of undertakings, such as the City's Comprehensive Plan, and the School Safety Task Force report, etc. He called attention to the opportunity to appoint a citizens committee composed of persons with the kinds of background and expertise that could make a well rounded and diverse committee, with backgrounds in architecture, engineering, economic development, marketing, etc. He inquired if there is a consensus by the Council to appoint a citizens committee, or is this an assignment that the Council would like to pursue.

Council Member Cutler advised that if he were appointed to a citizens committee, he would want to have updated information on alternatives; prior studies of Victory Stadium are several years old in respect to the costs of different levels of renovations, therefore, he would support updating the studies in current dollars, in addition to information on what has already been invested in the Williamson Road/Orange Avenue site, how much it will cost to complete the site, and information on other site alternatives and locations. He inquired about a time line to update the studies prior to appointing a citizens committee, or should the citizens committee be allowed to identify the types of information that should be updated.

Vice-Mayor Fitzpatrick advised that Council should remain involved in the process in order to obtain the right kinds of information, such as structural studies of Victory Stadium, including in-depth core drillings, etc., information on the number of attendees at such events as high school football games, the Western Virginia Classic, 4th of July celebration, Festival in the Park, etc., market studies of entertainment and sporting events that have examined venues the size of Roanoke to gain a better understanding of whether or not people will come to Roanoke for entertainment, and the cost of operation of Victory Stadium (what is the City currently spending and what should be spent to maintain the facility). He stated that before appointing a citizens committee, certain basic information should be in hand and Council should be the entity that decides what information is needed in conjunction with City staff, and after the information is in hand, Council will then be in a position to make a decision on whether to study the matter or appoint a citizens committee.

Although the Mayor's point is well taken, Council Member McDaniel questioned whether a citizens committee is needed. She advised that there have been significant successes with citizen committees, but she is haunted by the Dr. Martin Luther King, Jr., Committee and the Roanoke Sister Cities Sculpture Committee, both of which took considerable time before a consensus was reached and she would not want to see that happen in this instance. She stated that if a citizens committee is appointed, it will be necessary to establish a well defined charge for the committee.

Council Member Dowe agreed with the remarks of Ms. McDaniel and advised that his fear rests in the process which could uncover many great ideas that could conceivably take the process back to square one and could lead to the involvement of other jurisdictions and studies, therefore, he expressed reservations because of the time involved and the availability of investment.

Council Member Wishneff advocated that a citizens committee is the preferred alternative because a considerable amount of frustration in the past was related to the process. He stated that the amphitheater will require a different type of study because it involves a different concept.

The Mayor advised that there are two issues: (1) the athletic issue – high school as well as beyond high school, and (2) the entertainment question relative to an amphitheater. He inquired if the athletic question could be addressed by the citizens committee; i.e.: the issue of high school football, Victory Stadium, track and field, while Council embraces the entertainment question.

Vice-Mayor Fitzpatrick advised that a policy issue that needs to be addressed by Council is whether or not the City of Roanoke has a responsibility to provide athletic facilities for Roanoke City Schools.

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In order to reach a consensus by the Council, the Mayor requested that Council Members provide him with their input regarding the charge for a citizens committee prior to the August 2 Council meeting, and based upon the responses by Council, he will draft a document that will be reflective of the wishes of the Council as a whole prior to the August 2, 2004, Council meeting. He also suggested that Council Members be prepared to recommend at least two persons per Council Member to serve on a citizens committee.

Council Member Wishneff suggested appointment of two Council liaisons to the citizens committee (a person who is associated with each view).

There was discussion in regard to the advisability of appointing a member(s) of Council to the citizens committee; whereupon, it was noted that the presence of a Council Member could sway decisions by the committee.

In order to reach a consensus, the Mayor suggested that a Council liaison not be appointed, that Council agree to select a Chair or two Co-Chairs of the committee, and that status reports be provided to the Council on a regular basis.

In summary, the Mayor requested that Council Members provide him with their suggestions regarding the scope of the citizens committee prior to the August 2, 2004, meeting of the Council, which will enable him to prepare a consensus of the Council for discussion on Monday, August 2, and that Council Members be prepared to recommend two persons each to serve on the citizens committee, which will be discussed in closed session under the category of vacancies on various boards and commissions. He emphasized that the citizens committee will address the athletic question and he will work with the City Manager to identify a process for Council to address the entertainment question, amphitheater, regional possibilities, etc.

There being no further business, the Mayor declared the meeting adjourned at 1:50 p.m.

APPROVED

ATTEST:

Mary F. Parker City Clerk C. Nelson Harris Mayor

## REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

July 19, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 19, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762–070604 adopted by the Council on Tuesday, July 7, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, and Mayor C. Nelson Harris-----7.

ABSENT: -----0.

The Mayor declared the existence of quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-JUVENILE CORRECTIONAL FACILITIES: The Mayor recognized and commended two employees from the Roanoke Valley Juvenile Detention Center who recently received awards from the National Juvenile Detention Association; i.e.: Rick Weekly who received the Bob Rader Detention Services Worker of the Year Award for helping to implement the video court system that allows juveniles to be arraigned without leaving the Juvenile Detention Facility; and Kelvin Edwards who received the Bob Rader Line Staff Worker of the Year Award for his participation in a program called Impact 180 which is a leadership based treatment alternative to State facilities for non violent offenders.

In recognition of their achievements, the Mayor presented Mr. Weekly and Mr. Edwards with silver stars engraved with the City of Roanoke's branding logo.

## **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to four requests for Closed Session.

MINUTES: Minutes of the special meeting of Council held on Thursday, May 13, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

Cutle	AYES: Council er, and Mayor Har		•		
	NAYS: None	 		 	0.
that	CITY COUNCIL: Council convene		•		

that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

					Fitzpatrick,	-				
Cutler, and Mayor Harris7										
	NAYS:	None						0.		

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2–3711 (A)(3), Code of Virginia (1950, as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Lea,	McDaniel,	Wishneff,	
Cutler, and Mayor Harris7.									

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950, as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES:	Council	Members	Dowe,	Fitzpatrick,	Lea,	McDaniel,	Wishneff,		
Cutler, and Mayor Harris7.									

NAYS: None	0	
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PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris7.
NAYS: None0.
COMMITTEES-CITY COUNCIL-LIBRARIES: A communication from Council Member Brenda L. McDaniel tendering her resignation as a member of the Roanoke Public Library Board, effective immediately, was before the body.
Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris7.
NAYS: None0.
PARKS AND RECREATION-COMMITTEES: A communication from S. James Sikkema tendering his resignation as a member of the Parks and Recreation Advisory Board, effective immediately, was before Council.
Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris7.
NAYS: None0.
PARKS AND RECREATION-COMMITTEES: A communication from Carl H. Kopitzke, Chair, Parks and Recreation Advisory Board, advising of the resignation of Geraldine LaManna as a member of the Parks and Recreation

Advisory Board, effective immediately, was before Council.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-CITY COUNCIL: A report of qualification of Brenda L. McDaniel as a Member of the Council of the City of Roanoke to fill the unexpired term of C. Nelson Harris, ending June 30, 2006, was before the body.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

## **REGULAR AGENDA**

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

LEGISLATION-TOTAL ACTION AGAINST POVERTY: The following item was sponsored by Mayor C. Nelson Harris and Vice-Mayor Beverly T. Fitzpatrick, Jr.

Theodore J. Edlich, III, President, Total Action Against Poverty in Roanoke Valley; and Ann Fisher, Executive Director, Virginia CARES, expressed appreciation to the City of Roanoke for its assistance to ensure the survival of Virginia CARES, the statewide network of pre and post incarceration services.

#### Mr. Edlich advised that:

 In 1979, with the help of former Congressman M. Caldwell Butler, TAP launched the Virginia CARES Program, one of the first statewide networks of pre and post release services to State felons.

- Over the past 25 years, Virginia CARES has worked with more than 30,000 inmates and ex offenders by providing them with support for a crime free life with help in finding a job, housing, individual and peer support counseling and assistance in reconnecting with their families.
- Virginia CARES has been studied on two occasions by the Virginia Department of Corrections and has demonstrated success at recidivist reduction.
- The average cost for a Virginia CARES participant is \$229.00 compared with the cost of one year of incarceration at \$22,000.00; and costs to potential victims of crime is incalculable.
- More than 400 persons from the Roanoke area have come to the Virginia CARES offices, the overwhelming majority of whom are referrals from Probation and Parole.
- Currently, Virginia CARES makes up 75 per cent of the community based PAPIS system, pre and post release incarceration services in the Commonwealth of Virginia.
- It is not surprising that Virginia CARES has often been caught up in political infighting at the State level which has had nothing to do with the merits of the work provided by Virginia CARES, even though the number of prisoners released from State institutions is on a sharp rise and will continue to be so for the next decade.
- With the financial struggle in Richmond, the political struggle has worsened; two years ago, Virginia CARES was a victim of political infighting, all State general fund money was withdrawn and a portion was placed with Federal funds, requiring a difficult local match and the administration of a single local jurisdiction.

- For the period beginning January 2004 and ending June 2004, Roanoke City Council and the City Administration, at TAP's request, agreed to take on the fiscal and program oversight for the Virginia CARES network whose headquarters is based in Roanoke, and, without the City's assistance, Virginia CARES would most likely have folded.
- Congressman Bob Goodlatte, assisted by former Congressman Butler, used their connections to secure a \$300,000.00 Federal earmark in 2003 and a \$1,500,000.00 Federal earmark in 2004 to continue all pre and post release incarceration services to Virginia's ex offenders.

Mr. Edlich advised that in 2005, Virginia CARES will renew its fight to reclaim general fund monies for this important public safety program, and it is hoped that the City of Roanoke will consider making Virginia CARES and the PAPIS Programs a part of the City of Roanoke's legislative agenda for the upcoming legislative session.

Mr. Edlich recognized former Congressman M. Caldwell Butler, who was in the audience, and formally expressed appreciation to Congressman Goodlatte and former Congressman Butler for their support of Virginia CARES.

Members of Council commended Virginia CARES for the many contributions that the organization has made to the Roanoke Community.

Without objection by Council, the Mayor advised that the remarks of Mr. Edlich would be received and filed; and requested that Mr. Edlich provide the appropriate information to the City Attorney for inclusion in the City of Roanoke's proposed 2005 Legislative Program.

ANNUAL REPORTS-HOUSING/AUTHORITY: The following item was sponsored by the City Manager.

Nancy Canova, Chair, Fair Housing Board, presented the 2004 Annual Report of the Fair Housing Board. She advised that:

 Ambitious plans for outreach and education were put on hold for much of the year while the Fair Housing Board worked with the City Attorney's Office to propose amendments to the City Code reflecting updates to current Federal and State Fair Housing regulations and revising the responsibilities of the Board.

- Adoption by Council of the amendments on March 1, 2004, assured that all Federal and State protected classes are now incorporated in the City Code and expanded responsibilities of the Fair Housing Board, by emphasizing its role to provide information to the public concerning Federal, State and City fair housing laws.
- In April, the Board published <u>Fair Housing: What You Need to Know</u> for distribution to the public; the publication contains information on Federal, State and local fair housing laws, issues in mortgage lending and homeowners insurance, laws affecting accessibility and the Virginia Residential Landlord and Tenant Act.
- The Board sponsored a workshop in April featuring a representative from the Virginia Fair Housing Office and the Bazelon Center for Mental Health Laws which was attended by 81 participants representing members of the Roanoke Valley Apartment Association, Roanoke Redevelopment and Housing Authority, Section 8 landlords, community agencies and groups, banks, and realtors.

Ms. Canova further advised that the Fair Housing Board is committed to moving forward this year, to building on the work that was done in the past fiscal year, to collect data on any fair housing complaints in the City, to gain the cooperation of community agencies and groups that serve persons in the protected classes under the fair housing laws in order to receive data to guide the Board in targeting its educational plan to meet local needs; and collaboration may enable the Board to advise Council about the nature, causes and possible solutions to fair housing issues. She stated that the Board plans to sponsor a workshop on predatory lending which was delayed from the last fiscal year.

There being no questions or comments by Council, the Mayor expressed appreciation for the work of the Fair Housing Board and advised that the Annual Report would be received and filed.

**REPORTS OF OFFICERS:** 

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

GRANTS-ROANOKE AREA MINISTRIES: The City Manager submitted a communication advising that on May 12, 2003, Council approved the 2003–2004 Community Development Block Grant program and on June 16, 2003, Council appropriated funds, in the amount of \$20,000.00, toward rehabilitation of the Roanoke Area Ministries facility, located at 824 Campbell Avenue, S. W.; on October 22, 2003, an agreement was entered into between the City of Roanoke and Roanoke Area Ministries for said work; on May 13, 2004, Council approved submission of the 2004–2005 Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); and on June 21, 2004, Council accepted 2004–2005 CDBG funds and appropriated an additional \$80,000.00 of CDBG funds to Roanoke Area Ministries for the completion of rehabilitation.

It was further advised that authorization by Council is needed in order to amend the subgrant agreement with Roanoke Area Ministries to provide additional funding in the amount of \$80,000.00; and funding is available in Account No. 035-G05-0520-5400.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the Subgrant Agreement between the City of Roanoke and Roanoke Area Ministries, to be approved as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36776-071904) A RESOLUTION authorizing the City Manager to execute Amendment No. 1 to the Subgrant Agreement between the City and Roanoke Area Ministries in order to provide additional Community Development Block Grant (CDBG) funds for completion of rehabilitation of the Roanoke Area Ministries facility, located a 824 Campbell Avenue, S. W.

(For full text of Resolution, see Resolution Book No. 68, Page 17.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36776-071904. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-ROANOKE INTERAGENCY COUNCIL: The City Manager submitted a communication advising that Section 2.2-5204 of the Code of Virginia (1950), as amended, requires that Council appoint a Community Policy and Management Team (CPMT) to oversee Roanoke's efforts supporting the Comprehensive Services Act for At-Risk Youth and Families; and Section 2.2-5205 of the Code of Virginia (1950), as amended, states that membership of the local CPMT shall include, at a minimum, the following individuals:

- At least one elected official or appointed official, or his designee, from the governing body;
- The local agency heads, or their designees, of the following community agencies:
  - o Community Services Board
  - o Juvenile Court Services Unit
  - o Department of Health
  - o Department of Social Services and
  - The local School Division.

It was further advised that the team shall also include a representative of a private organization providing children's or family services and a parent representative; and a locality may appoint other members to the team, including, but not limited to, a local government official, a local lawenforcement official and representatives of other public agencies; Council previously adopted Resolution No. 31301–011193 establishing membership of the Roanoke Interagency Council (RIC) as Roanoke's CPMT; and Council has since reaffirmed, or amended, membership of the RIC on two additional occasions, pursuant to Resolution No. 34775–050100 and Resolution No. 35101–101600.

It was noted that the Roanoke Interagency Council has been engaged in a study of local Comprehensive Services Act operations since March 2004, and recently adopted a set of strategic objectives that will help to ensure that future operations will be as cost-effective as possible; and for the objectives to be realized, it is important that all involved community agencies work together toward common goals and that the appropriate individuals be active members of the Roanoke Interagency Council.

The City Manager recommended that Council adopt a resolution to establishing membership of the Roanoke Interagency Council, as follows:

- A local Government Representative
- The agency head, or their designee, for the Community Services Board
- The agency head, or their designee, for the Juvenile Court Services Unit
- The agency head, or their designee, for the Roanoke Department of Health
- The agency head, or their designee, for the Department of Social Services
- The agency head, or their designee, for the Roanoke City Public Schools
- A Private provider of Children's or Family Services
- A Representative from the Roanoke City Police Department
- A Parent Representative

The City Manager recommended that Council adopt a resolution appointing the following persons to the Roanoke Interagency Council:

- Rolanda Russell, Assistant City Manager, City of Roanoke
- James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare
- Rodney Hubbard, Director, 23-A District Court Service Unit
- Jane Conlin, Director of Human Services/Social Services, City of Roanoke
- Doris Ennis, Acting Superintendent, Roanoke City Public Schools
- Patty Tiller, District Nurse Manager, Alleghany/Roanoke City Health Districts
- John Pendarvis, President and CEO, Family Service of Roanoke Valley
- Captain Rusty Ross, Roanoke City Police Department

It was advised that City staff is searching for a Parent Representative candidate to serve on the Roanoke Interagency Council; and the resolution designates the Director of Management and Budget, or his designee, to serve as program expenditure monitor.

Mr. Fitzpatrick offered the following resolution:

(#36777-071904) A RESOLUTION re-establishing the membership of the Roanoke Interagency Council.

(For full text of Resolution, see Resolution Book No. 68, Page 18.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36777-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-DISABILITY SERVICES BOARD: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany, and the Towns of Clifton Forge and Vinton; and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595; and the State Department of Rehabilitative Services has allocated funds in the amount of \$14,800.00 for a one-year period to continue local staff support of administration of the Fifth District DSB.

The City Manager recommended that she be authorized to enter into a contract with existing DSB staff support to continue the provision of providing local administrative support, and that Council authorize appropriation of \$14,800.00 to Grant Fund Account No. 035-630-5170-2010 and establish a corresponding revenue estimate in an account to be established by the Director of Finance to provide funding for the Fifth District DSB.

Mr. Dowe offered the following budget ordinance:

(#36778-071904) AN ORDINANCE to establish the Fifth District Disabilities Services Board Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 20.)

Mr. Dowe moved the adoption of Ordinance No. 36778-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36779-071904) A RESOLUTION authorizing the City Manager to enter into a contract with Fifth District Disability Services Board ("FDDSB") staff to provide continuing local administrative staff support; upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68, Page 21.)

Mr. Dowe moved the adoption of Resolution No. 36779-071904. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that a settlement with Lumbermens Mutual Casualty Company, surety, has been reached for the Trevino Drive Storm Drain Phase I Project; proceeds from the settlement, in the amount of \$25,000.00, need to be appropriated to the Trevino Drive Drainage Phase I account in the Capital Projects Fund; and settlement money, in conjunction with remaining project funds, which includes retainage the City will keep as part of the settlement, will provide for all necessary repairs to complete the Trevino Drive Storm Drain Phase I Project.

The City Manager recommended that Council appropriate \$25,000.00 to Account No. 008-530-9780-9003, Trevino Storm Drain Phase I, and establish a revenue estimate in the same amount in the Capital Projects Fund.

Mr. Dowe offered the following budget ordinance:

(#36780-071904) AN ORDINANCE to appropriate third party funding for the Trevino Drive Storm Drain Phase I Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 22.)

Mr. Dowe moved the adoption of Ordinance No. 36780-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

				Fitzpatrick,		
Cutie	r, and i	viayor Har	ris	 	 	/.

NAYS: None-----0.

BUDGET-ENTERPRISE ZONE: The City Manager submitted a communication advising that on September 15, 2003, Council adopted Resolution No. 36494-091503 authorizing the City Manager to apply to the Department of Housing and Community Development for an Enterprise Zone designation, since the designation the City had enjoyed since 1984 would expire on December 31, 2003; and on June 21, 2004, the Commonwealth of Virginia approved the City of Roanoke's application, thereby designating the area of the City selected by the City as an Enterprise Zone, to be called Enterprise Zone One A, effective retroactively to January 1, 2004.

It was further advised that a requirement of such Enterprise Zone designation is that the City of Roanoke will offer certain local incentives; eight local incentives were a part of the application previously approved by Council, however, it will be necessary for Council to adopt ordinances implementing the incentives; and local incentives consist of the following: (1) façade grants, (2) partial real estate tax exemption for rehabilitated or renovated buildings (to be effective July 19, 2004), (3) development fee rebates, (4) water, fire and sewer hookup grants (this local incentive was changed from a rebate to a grant through the IDA since the Western Virginia Water Authority will receive the hookup fees), (5) new fire suppression system retrofit grants and fire hookup grants, (6) neighborhood and parks grants, (7) business security grants, (8) and job training grants.

The City Manager recommended that Council adopt two measures; i.e.: one establishing local incentives and one adding a new City Code Division 5B to Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended; authorize the City Manager to make appropriate rules and regulations to implement local incentives for Enterprise Zone One A; authorize the Director of Real Estate Valuation to adopt rules for administration of new Division 5B; and appropriate funds in the amount of \$200,000.00 for façade grants to Account No. 008–310–9736–9003 (Façade Grants) and \$100,000.00 for Fee Rebates and Other Incentives to Account No. 008–310–9738–9003 (Enterprise Zone Fee Rebates) from Capital Project Interest Earnings (008–3325).

Mr. Fitzpatrick offered the following budget ordinance:

(#36781-071904) AN ORDINANCE to appropriate funding for the Enterprise Zone One Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 23.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36781-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

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Mr. Fitzpatrick offered the following ordinance:

(#36782-071904) AN ORDINANCE approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone One A in the City of Roanoke; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 24.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36782-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following ordinance:

(#36783-071904) AN ORDINANCE amending and reordaining Article II, Real Estate Taxes Generally, of Chapter 32 Taxation, of the Code of the City of Roanoke (1979), as amended, by adding a new Division 5B, Exemption of Certain Rehabilitated or Renovated Commercial, Mixed-Use Commercial with no more than 80% Residential, or Industrial Real Property Located in Enterprise Zone One A, to provide for a certain real estate tax exemption for substantial rehabilitation or renovation of existing commercial, mixed use commercial with no more than 80% residential, or industrial buildings at least 15 or more years old and located within Enterprise Zone One A under certain terms and conditions; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 30.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36783-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS: The City Manager submitted a communication advising that notification has been received from the Commonwealth of Virginia Commission for the Arts (Commission) that a \$5,000.00 Local Government Challenge Grant has been awarded to the City of Roanoke; and application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, and Young Audiences of Virginia.

It was further advised that in order to receive funds, the Commission must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant; and for fiscal year 2004-2005, the above listed organizations will receive local funding, as recommended by the Roanoke Arts Commission and approved by Council on June 6, 2004, in the following amounts:

•	Arts Council of Blue Ridge	\$14,083.00
•	Mill Mountain Theatre	\$11,792.00
•	Opera Roanoke	\$ 8,167.00
•	Roanoke Symphony Orchestra	\$27,800.00
•	Young Audiences of Virginia	\$ 4,167.00

Grant funds will be distributed to the five sponsoring agencies in the amount of \$1,000.00 each.

The City Manager recommended that she be authorized to execute the required documents for acceptance of the grant, said documents to be approved as to form by the City Attorney; and that Council appropriate \$5,000.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund entitled, "Challenge Grant fiscal year 2005".

Mr. Cutler offered the following budget ordinance:

(#36784-071904) AN ORDINANCE to establish the Local Government Challenge Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 34.)

Mr. Cutler moved the adoption of Ordinance No. 36784-071904. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36785-071904) A RESOLUTION authorizing the acceptance of a Local Government Challenge Grant, Number 05-0014, from the Virginia Commission for the Arts.

(For full text of Resolution, see Resolution Book No. 68, Page 35.)

Mr. Cutler moved the adoption of Resolution No. 36785-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the 2004 U. S. Department of Homeland Security (DHS), State Homeland Security Program Grant; and the grant is designed to provide equipment, training, planning and exercises for first responders to develop better preparedness to prevent, respond and recover from potential acts of terrorism.

It was further advised that the City of Roanoke has been allocated a total of \$314,433.00 under the grant which is based upon a formula that provided \$15,000.00, plus \$3.15 per capita to the locality; funds will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management; funding, which requires no local match, must be used according to the requirements specified by the Department of Homeland Security; the 2004 grant allows expenditure of grant funds in four areas of need: equipment acquisition, training, planning, and exercise; and equipment purchases must conform to the Office of Domestic Preparedness Authorized Equipment List.

The City Manager recommended that she be authorized to execute, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting the State Homeland Security Grant in the above referenced amount, to provide any additional information and to take any additional action that may be needed to implement and administer the grant funds and agreements, such documents to be approved as to form by the City Attorney; and that Council appropriate of \$314,433.00 to an account in the Grant Fund to be established by the Director of Finance and establish a revenue estimate in the same amount.

Mr. Dowe offered the following budget ordinance:

(#36786-071904) AN ORDINANCE to establish the State Homeland Security Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 36.)

Mr. Dowe moved the adoption of Ordinance No. 36786-071904. The motion was seconded by Mr. Cutler.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that it would appear that the City of Roanoke has given in to terrorism on a local level by closing access to the Mill Mountain Star at 11:00 p.m. He inquired if any of the Homeland Security Grant funds could be used to address security measures in the vicinity of the Star, thus allowing for access to the Mill Mountain Star for longer periods of time, if not 24 hours a day.

Council Member Lea inquired as to whether there are training opportunities for police officers as a result of the Homeland Security Grant; whereupon, the City Manager advised that the City of Roanoke was the first Police Department in the Commonwealth of Virginia and one of the first Police Departments in the country after September 11 to initiate a Homeland Security Program; and to that end, several of Roanoke's Police Officers have provided training throughout the state and throughout the United States on Homeland Security; and the City of Roanoke has received national recognition for its Homeland Security training. She noted that \$230,000.00 of the \$314,000.00 allocation will be dedicated to the Fire Department for emergency response equipment needs.

Council Member Cutler requested that the City Manager describe existing channels of communication between the City and the Department of Homeland Security with regard to stepped up alerts, etc.

The City Manager responded that when the country was going through a series of upgrades and downgrades of alerts, information was received electronically as well as by telephone. She referred to the proposed upgrade of the radio system interface throughout the Commonwealth of Virginia that will link all emergency personnel; and locally, the City and the County have been on the same radio frequency for a number of years, and was one of the first regional activities that was undertaken in the public safety arena.

There being no further discussion, Ordinance No. 36786-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris------7.

NAYS: None------0.

Mr. Fitzpatrick offered the following resolution:

(#36787-071904) A RESOLUTION authorizing the acceptance of the 2004 U. S. Department of Homeland Security Grant from the Virginia Department of Emergency Management to obtain federal funds under the State Homeland Security Grant Program administered by the Office of Domestic Preparedness and authorizing the execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68, Page 37.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36787-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

			Fitzpatrick,			
NAVC	•	113			٠	, . 0

POLICE DEPARTMENT-BUDGET-DONATIONS/CONTRIBUTIONS-CITY SHERIFF: The City Manager submitted a communication advising that First Team, Inc. d/b/a First Team Auto Mall of Roanoke wishes to donate the sum of \$11,732.00 to the City of Roanoke to be used for two years of lease payments on a new 2004 Nissan Xterra D.A.R.E. vehicle for use by the Roanoke City Sheriff's Office; the vehicle will enable deputies assigned to the D.A.R.E. program to enhance their promotion of a drug and violence free environment, through positive interactions with law enforcement officers; and the lease will continue for two years.

It was further advised that City of Roanoke Fleet Management personnel have agreed to the upkeep and maintenance of the vehicle; if accepted, the D.A.R.E. vehicle will be equally displayed throughout the 21 elementary schools within the City of Roanoke; and value of the lease donation exceeds \$5,000.00, which requires approval by Council to accept the donation.

The City Manager recommended that she be authorized to enter into a lease agreement between Nissan Motor Acceptance Corporation, First Team Auto Mall, and the City of Roanoke, to acquire a 2004 Nissan Xterra for the Roanoke City Sheriff's Office D.A.R.E. program; and authorize the Director of Finance to establish a revenue estimate, in the amount of \$11,352.00, in the Grant Fund and appropriate funds in the same amount to an expenditure account.

Mr. Dowe offered the following budget ordinance:

(#36788-071904) AN ORDINANCE to appropriate funding for the lease of a D.A.R.E. vehicle and establish a donation, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 38.)

Mr. Dowe moved the adoption of Ordinance No. 36788-071904. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36789-071904) A RESOLUTION accepting the donation of \$11,731.52 from First Team, Inc., to be used by the Roanoke City Sheriff's Office for the lease payments of a new DARE vehicle, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 68, Page 39.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36789-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

ANIMALS/INSECTS-FIREARMS: The City Manager submitted communication advising that last winter, the City of Roanoke began a deer management program in response to citizen concerns regarding deer overpopulation: 109 deer were taken by City-employed sharpshooters over the 2003-2004 season; as a part of the deer management program, the City supported an amendment to Section 29.1-529, Code of Virginia, to take deer over bait under specific conditions approved by the Virginia Department of Game and Inland Fisheries; the amendment provides that "the Director [of Game and Inland Fisheries] or his designee may authorize, subject to the provisions of this section, the killing of deer over bait within the political boundaries of any city or town in the Commonwealth when requested by a certified letter from the governing body of such locality"; and authorizing the taking of deer over a baited area would allow the option of a sizeable herd reduction.

The City Manager recommended that she be authorized to send, for and on behalf of City Council, a certified letter to the Director of Game and Inland Fisheries requesting that he authorize the killing of deer over bait in the City; and that she be further authorized to execute a revised Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait, such document to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36790-071904) A RESOLUTION authorizing the City Manager to send for and on behalf of City Council a certified letter to the Director of Game and Inland Fisheries requesting that he authorize the taking of deer within the City of Roanoke over bait; and authorizing the City Manager to execute a revised Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait as part of the City's Deer Management Program.

(For full text of Resolution, see Resolution Book No. 68, Page 40.)

Mr. Cutler moved the adoption of Resolution No. 36790-071904. The motion was seconded by Mr. Fitzpatrick.

Mr. William J. Bryant, 124 Fleming Avenue, N. W., advised that controlling the deer population with hand guns or rifles could pose a dangerous threat to persons living in the area and other animals. He stated that he is against the killing of animals and the City of Roanoke should weigh all of the pros and cons before engaging in a deer abatement program.

Upon execution of a Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait, the City Manager was requested to review action that will then be taken by the City.

The City Manager responded that a request to allow the City to hunt deer over bait was included in the City's 2004 Legislative Program that was presented to the General Assembly. Under current legislation last year, she stated that the City was unable to hunt deer with bait, yet a consultant previously advised the City of Roanoke and other communities that the best way to cause a significant reduction in the deer population would be to bait an area, draw the deer into the area, and cause the reduction to occur in significant ways; last year, using retired police officers, 109 deer were removed which was a small number by comparison to the number that is problematic within the community; and deer over population is an increasing problem in the City of Roanoke. She stated that if Council approves the recommendation, it is intended to contract with a consulting group in the fall of 2004 to address the deer reduction program, which is the preferred method and is the method that the Task Force supported. She advised that a group of individuals, including some members from the prior deer management group, is reviewing other wildlife in the City that are presenting problems; much of the wildlife coming into the City is the result of development which is occurring in other areas; and a one season culling of the deer population will not solve the problem, but it is a problem that Council has indicated a desire to correct and the taking of deer over bait is the best and most effective way to address the situation.

Council Member Wishneff advised that one of the issues on which he campaigned was that he would vote against the killing of deer, because it is cruel and unusual to bait and then kill deer.

Resolution No. 36790-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel and Cutler---5.

NAYS: Council Member Wishneff and Mayor Harris-----2.

#### **DIRECTOR OF FINANCE:**

CITY TREASURER-CLERK OF COURTS-CITY SHERIFF-COMMONWEALTH'S ATTORNEY: The Director of Finance submitted a written report advising that Council adopted Ordinance No. 36313-051203 on May 12, 2003, establishing salaries for the City's Constitutional Officers as of July 1, 2003; Constitutional Officers include the Commonwealth's Attorney, Clerk of Circuit Court, Commissioner of the Revenue, Sheriff, and Treasurer; the ordinance stated in part, "It is the intent of Council that, in future years, the Constitutional Officers will receive the average percentage increase approved by City Council for City employees"; raises for Constitutional Officers were inadvertently omitted from the annual pay plan ordinance adopted by Council on May 13, 2004; therefore, action by Council is needed to formally adopt pay raises, effective July 1, 2004, and in future years, pay raises for Constitutional Officers will be included in the annual pay plan ordinance.

The Director of Finance recommended that Council adopt an ordinance increasing the annual salary of the City's Constitutional Officers by 3.0 per cent, which is the average percentage increase approved by City Council for City employees, effective July 1, 2004.

Mr. Cutler offered the following ordinance:

(#36791-071904) AN ORDINANCE establishing compensation for the Clerk of Court, Commonwealth's Attorney, Commissioner of Revenue, City Sheriff, and City Treasurer, the City's Constitutional Officers, for the fiscal year beginning July 1, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 41.)

Mr. Cutler moved the adoption of Ordinance No. 36791-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

#### REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report from the Roanoke City School Board requesting the following appropriations and transfers of funds was before Council:

- \$490,000.00 for a three-classroom addition with a covered walk and corridor extension at Crystal Spring Elementary School, which project will be funded from the Board's construction contingency fund.
- \$82,000.00 for the Comprehensive School Reform Title I-F Grant program to provide for replication of successful intervention programs from other school divisions at Huff Lane School; the program will provide staffing for a MicroSociety program which includes staff development and skills instruction for students; and the continuing program is 100 per cent reimbursed by Federal funds.
- \$82,000.00 for the Comprehensive School Reform Title I-F Grant program to provide for replication of successful intervention programs from other school divisions at Oakland School; the program will provide staff development for teachers and math skills instruction for students; and the continuing program is 100 per cent reimbursed by Federal funds.
- \$41,278.00 for the Learn and Serve program to provide hands-on education and career development for students at William Fleming and Taylor Learning Academy, which new program is 100 per cent reimbursed by Federal funds.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36792-071904) AN ORDINANCE to appropriate funding for Crystal Spring Elementary improvements, Learn and Serve program, and two grants, amending and reordaining certain sections of the 2004-2005 School and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 42.)

Mr. Dowe moved the adoption of Ordinance No. 36792-071904. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY CODE-BUDGET-COMMITTEES: Council Member Fitzpatrick offered the following ordinance eliminating the Budget and Planning Committee:

(#36793-071904) AN ORDINANCE amending Chapter 2, <u>Administration</u>, Article XIV, <u>Boards</u>, <u>authorities</u>, <u>commissions</u> and <u>committees</u>, Division 2, <u>Permanent committees</u>, of the Code of the City of Roanoke (1979), as amended, by repealing §2-29, <u>Budget and planning committee</u>, in order to eliminate this committee created by and composed of the seven members of City Council; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 44.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36793-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris7.
NAYS: None0.
CITY CODE-COMMITTEES-ROANOKE CIVIC CENTER: Council Member Dowe offered the following ordinance eliminating Council liaison representation on the Roanoke Civic Center Commission:
(#36794-071904) AN ORDINANCE amending Chapter 24, <u>Public buildings</u> and property generally, Article II, <u>Civic Center</u> , Division 2, <u>Civic Center Commission</u> , of the Code of the City of Roanoke (1979), as amended, by repealing Section 24-45.1, <u>Council member liaison</u> , in order to eliminate the requirement of a Council member 1iaison; and dispensing with the second reading by title of this ordinance.
(For full text of ordinance, see Ordinance Book No. 68, Page 45.)
Mr. Dowe moved the adoption of Ordinance No. 36794-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris7.
NAYS: None0.
MOTIONS AND MISCELLANEOUS BUSINESS:
INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:
ACTS OF ACKNOWLEDGEMENT - VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES: Council Member Dowe commended staff and volunteers of the 15th Annual Virginia Commonwealth Games which were held in the City of Roanoke on July 16 - 18, 2004.

PARKS AND RECREATION: Council Member Dowe requested that the matter of installing air conditioning in the gymnasium at Eureka Park Recreation Center be referred to the City Manager for report to Council.

Without objection by Council, the Mayor advised that the matter would be referred to the City Manager for report to Council.

BONDS/BOND ISSUES-LEGISLATION: Council Member Wishneff requested that a letter from the City Attorney under date of July 2, 2004, with regard to advisory referenda be referred to the Legislative Committee for discussion prior to October 11, 2004, when the matter will be considered by the (Senate Local Government Committee.)

Without objection by Council, the Mayor advised that the matter would be referred to the Legislative Committee.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

STADIUM: Mr. William Bryant, 124 Fleming Avenue, N. E., spoke with regard to preserving/renovating Victory Stadium as an historic landmark.

BUDGET-COMPLAINTS-STADIUM-CIVIC CENTER: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the work session which was held at 12:00 noon regarding Victory Stadium should have been televised for viewing by the general public on RVTV Channel 3. If the study by a proposed Council appointed committee includes constructing a stadium/amphitheater at the Orange Avenue/Williamson Road site, she asked that citizens of Gainsboro and Lincoln Terrace be taken into consideration inasmuch as the area currently bears the burden of noise, traffic and littering from events at the Roanoke Civic Center.

STADIUM-CIVIC CENTER-YOUTH: Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended Council on the Victory Stadium workshop which was held at 12:00 noon, and asked that any future studies include activities for youth such as gravity sports and their economic impact on the Roanoke Valley.

STADIUM: Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of preserving Victory Stadium for its historic value.

STADIUM-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the need for more affordable housing in the City of Roanoke, improved wages for City employees, the need to market Victory Stadium, and infrastructure improvements in the inner City.

### CITY MANAGER COMMENTS:

SCHOOLS: The City Manager advised that she spoke at the 20th William Fleming High School Reunion on Saturday, July 17, 2004, which was attended by approximately 150 graduates, many of whom no longer reside in the City of Roanoke. She stated that the persons who were in attendance are the kinds of people that Roanoker's would like to welcome back to the City.

ACTS OF ACKNOWLEDGEMENT-ECONOMIC DEVELOPMENT: The City Manager advised that the Roanoke Valley Economic Development Partnership and the Roanoke City and Roanoke County Economic Development Departments received National Accreditation from the International Economic Development Council at a ceremony which was held on Monday, July 19, 2004, at The Jefferson Center. She stated that it was a significant occasion inasmuch as the City of Roanoke, Roanoke County and the Economic Development Partnership are the first city, county and regional organization in the nation to receive this distinction.

At 3:30 p.m., the Mayor declared the Council meeting in recess for four Closed Sessions.

At 4:40 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD-ROANOKE NEIGHBORHOOD PARTNERSHIP-VIRGINIA ALCOHOL SAFETY ACTION PROGRAM-FLOOD REDUCTION/CONTROL: The Mayor advised of the following expirations of terms of office on June 30, 2004:

Court Community Corrections Program Regional Community Criminal Justice Board A. L. Gaskins, George A. McMillan William H. Cleaveland (reappointment will be for terms ending June 30, 2007)

Roanoke Neighborhood Advocates

Richard J. Nichols (reappointment will be for a term ending June 30, 2007)

Regional Virginia Alcohol Safety Action Program Policy Board A. L. Gaskins (reappointment will be for a term ending June 30, 2006)

Flood Plain Committee

E. L. Noell (reappointment will be for a term ending June 30, 2005)

Inasmuch as Mr. Cleaveland is not a resident of the City of Roanoke. Mr. Fitzpatrick moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Dowe and unanimously adopted.

Mr. Fitzpatrick placed in nomination the names of the above named persons.

There being no further nominations, the above named persons were reappointed to their respective committees for terms as above indicated by the following vote:

FOR MESSRS. GASKINS, McMILLIAN, CLEAVELAND, NICHOLS, AND NOELL: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

OATHS OF OFFICE-FIFTH PLANNING DISTRICT COMMISSION-COMMITTEES: The Mayor advised that there is a vacancy on the Roanoke Valley Allegheny Regional Commission to fill the unexpired term of R. Brian Townsend, resigned, ending June 30, 2006; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of William D. Bestpitch.

There being no further nominations, Mr. Bestpitch was appointed as a member of the Roanoke Valley Allegheny Regional Commission, to fill the unexpired term of R. Brian Townsend, resigned, ending June 30, 2006, by the following vote:

FOR MR. BESTPITCH: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris----7.

OATHS OF OFFICE-COMMITTEES-METROPOLITAN TRANSPORTATION DISTRICT: The Mayor advised that there is a vacancy on the Roanoke Valley Area Metropolitan Planning Organization to fill the unexpired term of William D. Bestpitch, ending June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of M. Rupert Cutler.

There being no further nominations, Mr. Cutler was appointed as a member of the Roanoke Valley Area Metropolitan Planning Organization, to fill the unexpired term of William D. Bestpitch, resigned, ending June 30, 2005, by the following vote:

FOR MR. CUTLER: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris----7.

At 4:45 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, July 19, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, and Mayor C. Nelson Harris-----7.

ABSENT:-----0

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

**PUBLIC HEARINGS:** 

ROANOKE CIVIC CENTER-LEASES-TELEPHONE EQUIPMENT: Pursuant to instruction by the Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, with regard to a proposed lease of a portion of City-owned property located at the Roanoke Civic Center to Triton PCS, Inc., d/b/a SunCom, for construction and operation of a 110-foot flagpole communication facility and related equipment, the matter was before the body.

The Mayor advised of a request of G. Michael Pace, Jr., Attorney, to withdraw the matter; whereupon, without objection by Council, it was so ordered.

ZONING: Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to rezone a certain tract of land located at 2102 Grandin Road, S. W., Official Tax No. 1460101, from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 2, 2004, and Friday, July 9, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests the rezoning of the 96.33 acre parcel of land from RS-1, Single-Family Residential, to INPUD, Institutional Planned Unit Development District, in order to construct one, three-story, 330,000 square foot building to replace the current 11-building campus configuration; the parcel of land will contain the high school building, Gibboney Hall (the one building to remain from the current Patrick Henry High School), the Governor's School, the Raleigh Court Library, the Raleigh Court Elementary School, and associated open space and recreational functions; and the petition to rezone was filed on May 6, 2004, and a First Amended Petition was filed on June 7, 2004.

It was explained that the proposed development is an effective reutilization of the existing site; the development plan details an increase in the amount of open space and decreases the amount of impervious surface area by 7.7 per cent for the site; and a centralized building approach, as opposed to the current sprawling multi-building configuration, provides an enhanced orientation to Grandin Road and reclaims more area for recreational and open space purposes.

The City Planning Commission recommended that Council approve the request for rezoning, given the proposed reuse of the existing site and its consistency with *Vision 2001–2020*.

Mr. Dowe offered the following ordinance:

(#36795-071904) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 146, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 46.)

Mr. Dowe moved the adoption of Ordinance No. 36795-071904. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

Richard A. Rife, Managing Partner, Rife and Wood, Architects, representing the City of Roanoke and the Roanoke City School Board, spoke in support of the request to rezone 96+ acres of land known as Shrine Hill Park which is the site of Patrick Henry High School, the Raleigh Court Branch Library, the Governor's School, and Raleigh Court Elementary School to allow for reconstruction of Patrick Henry High School. Working from schematic drawings, he reviewed building plans and advised that construction has begun and should be complete for occupancy in December, 2005.

Mr. Rife was requested to address landscaping; whereupon, he advised that the proffered site plan includes eight foot wide planting islands so that every row of parking will have a continuous row of trees in between and more trees will be planted on the site than currently exist.

Mr. Rife was also requested to address security features of the new building plan; whereupon, he advised that the front door faces Grandin Road and visitor's parking leads to the front door; a reception desk will be located inside the front door that will be staffed at all times and a second control point will be near the principal's office, with the goal of controlling access into the building at two points where ingress and egress can be monitored; an electronic locking system will be installed on all exterior doors similar to what might be found in an office building or a hotel; faculty members and staff will be issued magnetic cards and all cards will be coded so as to identify persons coming in and out of the building at any given time of day; if a door is propped open, an alarm will sound in the security office; an extensive camera security system with motion detectors which are tied into an intrusion detection system will be installed; and metal detectors are not planned at this time, although building design plans allow for installation in the future, if necessary.

There being no other persons who wished to be heard, the Mayor declared the public hearing closed.

There being no further discussion or comments by Council Members, Ordinance No. 36795-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

TAXES-REAL ESTATE VALUATION: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the League of Older Americans, Inc., for exemption from local real estate taxation of real property located at 706 Campbell Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 9, 2004.

The City Manager submitted a communication advising that the League of Older Americans, Inc., which transacts business as LOA Area Agency on Aging, owns the property known as Tax Map Nos. 1113202 and 1113201, located at 706 Campbell Avenue, S. W.; and the primary purpose of the LOA is to provide services for the elderly, including Meals on Wheels, congregate meals, transportation, case management, ombudsman, Title V employment opportunities, foster grandparents and senior companions to persons in need; and annual taxes due for fiscal year 2004–2005 on the two parcels of land are \$964.37 on an assessed value of \$79,700.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke pursuant to Resolution No. 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; and the League of Older Americans, Inc., has provided the necessary information required as a result of adjustments made to the revised local policy prior to the deadline of October 15, 2004, which is the deadline for applications for exemptions that would take effect on January 1, 2005.

The City Manager stated that according to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$771.50 after a 20 per cent service charge is levied by the City in lieu of real estate taxes, which service charge will be \$192.87; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on the property known as Tax Map Nos. 1113202 and 1113201 by classification or designation under the Code of Virginia; and the IRS recognizes the LOA as a 501(c) 3 tax-exempt organization.

The City Manager recommended that Council authorize the League of Older Americans, Inc. (LOA) exemption from real estate property taxation, pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective January 1, 2005, for property known as Tax Map Nos. 1113202 and 1113201, located at 706 Campbell Avenue, S. W., if the organization agrees to pay the subject service charge by that date.

Mr. Cutler offered the following ordinance:

(#36796-071904) AN ORDINANCE exempting from real estate taxation certain property of the League of Older Americans, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 48.)

Mr. Cutler moved the adoption of Ordinance No. 36796-071904. The motion was seconded by Mr. Fitzpatrick.

Susan B. Williams, representing the League of Older Americans, Inc., appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36796-071904 was adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Lea,	McDaniel,	Wishnet	Ť
Cutle	r. and I	Mavor Hai	ris					7	7.
	,	,							
	NIAVC.	None							Λ

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on amendment of Vision 2001–2020, the City's Comprehensive Plan, to include the Riverland/Walnut Hill Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 2, 2004 and Friday, July 9, 2004.

The City Planning Commission submitted a written report advising that the Riverland/Walnut Hill neighborhood plan covers a small area directly south of downtown Roanoke defined by the Roanoke River to the north and Mill Mountain to the south; staff facilitated three public workshops with residents and business owners in the fall of 2003 and in the spring of 2004; and based on input from the public workshops, the neighborhood plan designates six priority initiatives for the neighborhood:

- Traffic calming
- Housing maintenance and upkeep
- Encouraging a vibrant village center
- Minimizing flooding damage
- Enhancing the Walnut Avenue Gateway
- Protecting the Roanoke River and Mill Mountain
- The document is organized into six plan elements. The following represents policies selected from each plan element section set forth to address the neighborhood's priority initiatives:

# Residential Development

 Zoning patterns will support housing revitalization and desired future residential land use patterns and encourage the preservation of single-family housing.

# Community Design

 Develop site specific plans for the Walnut Avenue gateway, neighborhood village center, and other major streets discussed in the plan.

## **Economic Development**

 Encourage a vibrant village center in terms of appropriate form, scale, and activity; map zoning patterns to allow mediumdensity residential development in and around the village center.

### Infrastructure

• Support efforts to reduce flooding and potential damage to personal property.

### **Public Services**

 Aggressively enforce housing maintenance codes and use public nuisance abatement ordinances to compel compliance; and encourage citizen participation in the identification of code violations.

# Quality of Life

• Increase recreational usage of the area along the Roanoke River by completing the Roanoke River Greenway as part of the Roanoke River Flood Reduction Project; and the goal is to provide a formal path for exercising and enjoying the riverfront.

The City Planning Commission recommended that Council adopt the Riverland/Walnut Hill Neighborhood Plan as a component of *Vision 2001-2020*.

Mr. Fitzpatrick offered the following ordinance:

(#36797-071904) AN ORDINANCE approving the Riverland/Walnut Hills Neighborhood Plan, and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan, to include the Riverland/Walnut Hills Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 50.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36797-071904. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

Council Member Cutler called attention to a high volume of traffic on Laurel Avenue which was not designed to handle heavy traffic, and inquired as to how motorists might be encouraged to use an alternate route; whereupon, Mr. Townsend advised that a study is needed to determine if other traffic patterns could be enhanced.

Council Member Cutler called attention to new infill housing construction along Riverland Road and inquired as to ways to control infill housing; whereupon, Mr. Townsend advised that infill housing can be controlled through the historic district route, or neighborhood design district overlay regulations; and neighborhood design districts will be applied as a part of the new zoning ordinance update and the Riverland Road neighborhood will be evaluated accordingly.

Dr. Cutler advised that he has been a long time advocate of a park along the entire length of the Roanoke River within the City of Roanoke from the City of Salem to the Town of Vinton; parks exist along the Roanoke River in the City including Piedmont Park, but there are numerous stretches of the Roanoke River that are without any kind of park or protected zoning and were negatively affected when interceptor sewers were constructed, trees were cut, and rip rap He further advised that the Plan offers an opportunity to was installed. consider identification of a Roanoke River Parkway from one side of the City to the other that would provide policy direction for those entities that are associated with the flood control project, utility construction, etc. He stated that the area along the banks of the Roanoke River through the City of Roanoke should be regarded as a recreational, conservation and tourist economic development opportunity, and should be treated accordingly. Therefore, he inquired if language could be included in the Plan to clarify that the Roanoke River area is considered to be a special zone.

Mr. Townsend responded that the last page of the future land use plan identifies the entire length of the Roanoke River as being recreation open space; the proposed new zoning ordinance includes two tools that are intended toward that end: i.e.: first is a river and creek overlay that would be applied to any land that abuts the Roanoke River and its tributaries, which provide limitations on land disturbing activities in the first 50 feet of the buffered areas, and the second is use of the recreation open space zoning district which would apply to all publicly owned lands adjacent to the Roanoke River. He stated that

one of the issues to be looked at with adoption of the creek and river overlay district is the need to some degree to exempt public infrastructure projects from land disturbing prohibitions, which in most cases are by necessity.

Council Member Cutler called on the City Manager for a response in regard to designating a linear park along the length of the Roanoke River within the City of Roanoke as it relates to existing publicly owned land; whereupon, the City Manager advised that the suggestion could be reviewed by City staff because more information is needed in regard to what portion of the land is owned by the City and what portion is held in private ownership. She stated that she would be willing to invest staff time in reviewing how much property is owned by the City along the Roanoke River, where gaps in ownership occur, and bring the matter back to the Council for policy direction.

Council Member Dowe advised that several months ago, he participated in an aerial tour of the City in order to view the Roanoke River. He called attention to the need to make the Roanoke River look "different" while the City engages in discussions with Carilion Medical Center regarding the bio medical park, and suggested that the idea be kept in mind for future planning purposes.

There being no other persons who wished to be heard, the Mayor declared the public hearing closed.

There being no further discussion or comments by Council Members, Ordinance No. 36797-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

#### OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: A petition filed by Stephanie Brown, representing Southern Property Investments, Inc., appealing a decision of the Architectural Review Board, which was rendered on May 13, 2004, that no Certificate of Appropriateness be issued with regard to property located at 422/424 Woods Avenue, S. W., for the installation of vinyl siding, was before Council.

### Ms. Brown advised that:

- On Monday, March 22, 2004, her contractor began to apply vinyl siding to the house at 422 Woods Avenue, S. W., and no building permit was required.
- On Friday, March 26, 2004, City staff posted a stop work notice on the house, pursuant to Section 36.1–345 of the zoning ordinance.
- She immediately contacted the Agent to the Architectural Review Board and was informed that vinyl siding is no longer allowed in the historic neighborhood.
- She was provided with literature on the City's rules and regulations which state that vinyl siding is permitted.
- Upon researching the City's website, she was unable to find information that her property is located in an H-2 District and that the neighborhood is held to stricter zoning regulations than the remainder of the City.
- She was informed by the Agent to the Architectural Review Board that the Board approves vinyl siding only in the most severe cases; however, the house at 412 Woods Avenue, which is two doors down from her house, was granted a Certificate of Appropriateness.
- On May 13, 2004, she presented a proposal to the Architectural Review Board to use Dutch lap wood grain siding that matched the design of the wood siding currently on the house and advised the Board that there were no plans to cover the front porch, front windows and shutters of the house which would be painted to complement the vinyl siding being applied.
- The Architectural Review Board has expressed concern with regard to the street scape of the neighborhood; however, a wide range of building materials have been and are currently being used; i.e.: brick, wood, vinyl siding, asbestos, concrete block and stucco; and there are 15 houses on her block, ten of which are covered in vinyl siding.

- She received no public notice prior to a postcard from the City dated April 20, 2004, which was ten days after her application.
- She was declined a Certificate of Appropriateness because the Architectural Review Board no longer accepts vinyl siding; nothing exists in writing that vinyl siding is no longer permitted, therefore, how can she, legally, be denied the right to install vinyl siding on the house.

## Robert N. Richert, Chair, Architectural Review Board, advised that:

- In April 2004, a citizen advised staff that vinyl siding was being applied to the house at 422 Woods Avenue, S. W., which is within the H-2, Neighborhood Preservation District.
- The Agent to the Architectural Review Board (ARB) followed up on the complaint and met with Ms. Brown to discuss the project and to arrange for the required design review.
- Ongoing work on the house was stopped pending review by the Architectural Review Board.
- The two-story frame house was built in 1920 and remains in good condition.
- Staff advised Ms. Brown that replacement of siding required a Certificate of Appropriateness issued by the ARB and Ms Brown indicated that she was unaware that a Certificate of Appropriateness was required for vinyl siding.
- Ms. Brown filed an application for a Certificate of Appropriateness which was considered by the ARB on May 13, 2004, at which time she stated that she did not want to paint the house and that vinyl siding was more economically viable on an investment property.
- ARB members expressed concern that the architectural details of the house had been lost as a result of the addition of vinyl siding to the soffits and window details, and the Board further advised that it was trying to protect the streetscapes of the neighborhood; wood siding is a character-defining feature of the house, which contributes to the streetscape of the neighborhood; and Ms. Brown stated that she was willing to remove the vinyl from the soffits and windows as long as she could use the vinyl siding on the house.

Mr. Richert further advised that considerations by the Architectural Review Board include:

Section 36.1-345(a) of the Zoning Ordinance provides:

"In order to encourage the preservation and enhancement of the district and encourage rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, including the installation or replacement of siding, or reduction in the floor area, including the enclosure or removal of a porch. No such erection. demolition, moving, reconstruction, alteration, restoration, enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein."

- The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by Council state that historic wood siding is a distinctive feature of many Roanoke residences and that changing or covering siding can often alter or destroy the authentic character of a building.
- The guidelines also state that the application of synthetic siding is inappropriate because it can trap moisture and hide damage that needs to be repaired; and it is applicable only in the most severe cases where the Board finds it necessary to save a building.
- The guidelines further recommend the following be considered for synthetic siding:
  - -Do not replace sound historic siding with new materials to achieve an "improved" appearance.
  - -Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building
  - -Both new and historic siding requires periodic maintenance to give a building proper weather protection
  - -Match the historic material in dimension, profile, texture, and reliefs
  - -Retain existing siding: identify and keep the original exterior siding materials as well as any unique siding

- There have been two previous appeals to Council related to vinyl siding; in June 2003, Dana Walker, representing Hall & Associates, appealed the Board's decision to deny his application of vinyl siding at 702 Marshall Avenue, S. W., and Council unanimously upheld the Board's decision.
- In September, 2003, Lewis Burger appeared before the Board to obtain a Certificate of Appropriateness for the installation of vinyl siding that he had applied to his rental property at 802-804 Marshall Avenue, S. W., the Board denied his application and in December, 2003, Council upheld the Board's decision to deny the application.
- Since January 2001, the Architectural Review Board has approved four applications for vinyl siding; and with these projects, the applicants provided sufficient detail and proposed to apply the materials in a manner that preserved the character-defining features of the house.

Mr. Richert stated that the Architectural Review Board recommends that Council affirm its decision to deny the issuance of a Certificate of Appropriateness.

Mr. Kevin Earl, 529 Day Avenue, S. W., requested that Council reaffirm the decision of the Architectural Review Board to protect the historic character of the neighborhood and to provide consistency in the manner in which rules and regulations are enforced. He stated that while he is sensitive to the cost and labor intensity that is involved in maintaining an older home, all persons living in Old Southwest made a choice to live in a historic neighborhood and to maintain a historic home, therefore, it is their responsibility to maintain the home in an appropriate manner that will not conflict with the mission of the City and the historic neighborhood of Old Southwest.

Jackie Cannaday, 424 Washington Avenue, S. W., President, Old Southwest, Inc., spoke in opposition to the installation of vinyl siding on the house at 422 Woods Avenue, S. W., for the following reasons: there is nothing wrong with the house, other than the need for periodic painting; vinyl siding distorts the character of the house by hiding clapboarding and other decorative trims; and the house is located in one of Roanoke's historic districts. She stated that the preservation community strongly objects to the use of vinyl siding in historic districts; and it is the responsibility of Council to decide the caliber of the historic districts that will be passed on to future generations.

Bruce Munsey, 523 Woods Avenue, S. W., past President, Old Southwest, Inc., requested that Council reaffirm the decision of the Architectural Review Board. He stated that people living in the H-2 District should be held accountable for improvements to their property that support the H-2 guidelines.

Ms. Peggy Overton, 547 Mountain Avenue, S. W., advised that she has lived in the Old Southwest neighborhood for approximately 50 years at locations ranging from Day Avenue to Woods Avenue, and people living in Old Southwest should be more concerned about drug trafficking and prostitution, etc., rather than how their neighbors repair older homes in the area.

Mr. Wes Dearing, 2512 Jefferson Street, owner of property located in the 400 block of Woods Avenue, S. W., spoke on behalf of the request of Ms. Brown. He advised that Ms. Brown was not provided with the appropriate information by the City that vinyl siding is not a permitted use and no building permit is required for the installation of siding. He stated that considering the amount of money that Ms. Brown has already invested in the house, she should be allowed to complete the installation of vinyl siding.

Mr. Jim Hanes, 526 Marshall Avenue, S. W., advised that he has renovated five houses in the Old Southwest neighborhood and spoke against the installation of vinyl siding on older historic homes. He called attention to structural problems that can be caused by vinyl siding; the house in question could have been painted for approximately \$15,000.00; Ms. Brown is caught in a position where times are changing and Council should say no to vinyl siding and seek changes to State statutes, if necessary, so as to enforce the City's position. He requested that Council reaffirm the decision of the Architectural Review Board to deny a Certificate of Appropriateness.

Council Member Dowe inquired about the City's efforts to inform property owners that they live in an historic neighborhood and that certain guidelines are applicable to the historic districts; whereupon, Mr. Richert advised that postcards were mailed in April to Old Southwest property owners; staff has reviewed the feasibility of including sign-off sheets at real estate closings; it would be helpful if the H-2 classification were listed on the GIS web site; signs are currently posted on Old Southwest streets that the area is an historic district; information is included in the neighborhood newsletter; postings are included on message boards in Highland Park; Old Southwest Parlor Tours are conducted each year to encourage people to visit the neighborhood; special sessions have been held with realtors to heighten their awareness of the historic district and applicable restrictions; and, when requested, staff of the Building and Community Planning Department review guidelines with property owners.

The City Manager called attention to plans by the Director of Real Estate Valuation to provide information to new property owners with regard to the historic districts at the time of property transfer; and she will confer with the City Attorney on ways, if any, to legislate a building permit for roof, windows and siding replacement/installation.

Council Member Wishneff expressed concern that information disseminated by the City was not updated; whereupon, he read the following from a pamphlet presented by Ms. Brown: "While vinyl siding is discouraged in the district because it is not an historic material, it is permitted." He noted that further applications for vinyl siding have been approved since 2001 when they were done in such a way that preserved the character defining features of the house; whereupon, he inquired if that is a standard that Ms. Brown is willing to meet.

Mr. Townsend clarified that in 2003, amendments were made to the guidelines related to vinyl siding, and there was no prohibition against vinyl siding, but guidelines were clarified to state that a Certificate of Appropriateness is necessary. He stated that the pamphlet referred to by Council Member Wishneff is a previous version of the document that Ms. Brown obtained after the fact and she did not obtain the pamphlet prior to the time that she initiated the work. He added that the pamphlet has been updated and states that a Certificate of Appropriateness is required, although it does not state that vinyl siding is prohibited, but is allowable by Certificate of Appropriateness, subject to consideration by the Architectural Review Board and that the architectural defining features of the structure are maintained.

There was discussion between Council Member Wishneff and Mr. Townsend regarding a statement made by Ms. Brown that she is willing to do whatever is necessary to meet the architectural defining features of the house, and whether or not the Architectural Review Board afforded her the opportunity to do so. Mr. Townsend responded that Ms. Brown stated at the ARB meeting that she was open for compromise and was willing to remove the vinyl siding from the eaves and from the windows and paint the house; however, it is the purview of the Architectural Review Board to determine whether such is sufficient to maintain the historical characteristics of the house, and, following discussion, the Architectural Review Board was still of the opinion that what Ms. Brown proposed to do was not sufficient to meet the Board's satisfaction.

Council Member Lea advised that he was impressed by Ms. Brown's forthrightness and attitude, and although he has a great deal of respect for the historical integrity of the Old Southwest neighborhood, he also has a concern for business people in the community.

Council Member Cutler inquired if more complete information could be provided to residents of the historic district, in lieu of a postcard which could incorporate more complete information on the goals of Old Southwest and guidelines that apply to the historic districts.

Mr. Townsend responded that the postcard, which is mailed to property owners in the H-1 and H-2 Districts, is intended to be a reminder that they should contact Planning, Building and Code Enforcement prior to proceeding with any exterior improvements to their property. He stated that part of the problem is that property in Old Southwest continues to change ownership and persons purchase property in the area who reside in other localities. He mentioned the possibility of including information regarding Old Southwest and the historic guidelines in the Welcome to Roanoke program that was recently initiated by the City.

Based upon evidence, testimony and documents, Mr. Cutler moved that Council affirm the decision of the City of Roanoke Architectural Review Board, which was rendered on May 13, 2004, that no Certificate of Appropriateness be issued for the installation of vinyl siding at 422/424 Woods Avenue, S. W., as set forth in the Petition of Appeal, on the grounds that the installation is not compatible with the architectural defining features of the building. The motion was seconded by Mr. Dowe.

Council Member McDaniel advised that she is sympathetic to Ms. Brown's situation; however, she is sensitive to and appreciative of the efforts of residents of Old Southwest and the battles they have fought for many years and continue to fight to protect the integrity of their neighborhood. She suggested that the City's postcard be mailed to property owners at the beginning of the calendar year, as opposed to during the month of April, before property owners begin to engage in spring improvement projects.

Vice-Mayor Fitzpatrick referred to the previous remarks of Ms. Peggy Overton with regard to alleged drug trafficking and prostitution, etc., in the Old Southwest neighborhood, and asked that the matter be referred to the City Manager for investigation. He requested that the City Manager identify a better means of informing residents of Old Southwest of their responsibilities as property owners, as well as the City's responsibilities. He suggested that Old Southwest, Inc., consider locating kiosks at key locations in Old Southwest which will include information on guidelines relating to the historic district.

Ms. Brown expressed confusion that if the City does not want vinyl siding in the historic neighborhoods, why is vinyl siding still offered for a Certificate of Appropriateness by the Architectural Review Board.

As a matter of procedure, Mr. Townsend clarified that the change that was made in September, 2003 was intended to clarify that a Certificate of Appropriateness is necessary if vinyl siding is to be approved by the Architectural Review Board; guidelines identify synthetic sidings, but do not use the term vinyl per say; it is under the purview of the Architectural Review Board to determine whether or not the application maintains the historic character of the architecture, so while it is indicated in the guidelines that vinyl siding is not encouraged, it is not prohibited, and the Board has set high standards in terms of when vinyl siding would be appropriate based on conditions of the existing siding and based on how the applicant proposes to install the siding over existing material.

There was discussion as to whether or not any further review or concession(s) by Ms. Brown might resolve the issue; whereupon, Mr. Richert presented an overview of the process to obtain a Certificate of Appropriateness which involves meeting with ARB staff and a Design Review Committee prior to the regular Architectural Review Board meeting to discuss the petition, and advised that frequently Board members will meet with a petitioner in an effort to address the request based on their individual experiences. With reference to the application of vinyl cladding, he stated that State law does not allow the prohibition of specific materials; the Architectural Review Board has raised the bar in this regard and requires information on the current condition of the house, and guidelines are clear and have always been clear that siding is not a viable option if maintenance is the issue. He further stated that the Architectural Review Board is reluctant to spend time "designing" people out of a problem that they created for themselves when they proceed without consideration and procedural approval.

Council Member Wishneff advised that when the City Manager submits the housing plan later this year, it is hoped that bold steps will be included to "jump start" areas like Old Southwest. He expressed concern that Ms. Brown was caught up in an evolving situation and it is hoped, through further clarification, that property owners in Old Southwest will have a clearer understanding of the guidelines applicable to the historic districts so that these types of situations will not continue to occur in the future.

The Mayor advised that the Old Southwest historic district is not "teetering", but is, in fact, doing remarkably well. He stated that the area has been an historic district for approximately 17 years; typically, the pattern of many of the appeals that come before Council involve a property owner who started a project without having gone to the Architectural Review Board and obtained a Certificate of Appropriateness, and, in the midst of the project, it is called to their attention, either by a neighbor or City staff, that they should have acquired a Certificate of Appropriateness from the ARB. He added that it is difficult to understand how, after a neighborhood has been an historic district for 17 years, that property owners and those persons who reside in Old Southwest, are not aware of the historic guidelines; therefore, he stated that the burden rests with the individual property owner and not with the Architectural Review Board.

Mr. Fitzpatrick called for the question. The motion was seconded by Mr. Dowe and adopted.

The motion offered by Mr. Cutler, seconded by Mr. Dowe, was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, McDaniel, Cutler and Mayor Harris-----5.

NAYS: Council Members Lea and Wishneff----2.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS-DRUGS/SUBSTANCE ABUSE: Mr. Leon Slate, 4611 Edgelawn Avenue, N. W., expressed concern with regard to unsafe living conditions in his neighborhood; i.e.: unsolved murders, prostitution and drugs.

ARMORY/STADIUM-SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of renovating Victory Stadium. Instead of constructing a new stadium/amphitheater, he stated that the funds should be used for a salary increase for teachers and to decrease the number of students in school classrooms.

There being no further business, the Mayor declared the meeting adjourned at 8:50 p.m.

**APPROVED** 

ATTEST:

Mary F. Parker City Clerk C. Nelson Harris Mayor

### REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

### August 2, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, August 2, 2004, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193-010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m., and pursuant to Resolution No 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris-----7.

ABSENT: NONE-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950) as amended, was before the body.

Mr. Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES:	Council	Members	Fitzpatrick,	Lea,	McDaniel,	Wishneff,	Cutler
Dowe,	and Ma	ıyor Harri	s					7.

NAYS: None------0.

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel regarding pending litigation where such consultation in open session would adversely affect the City's negotiating or litigating posture, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris:----7.

NAYS: None-----0.

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET.

POLICE DEPARTMENT: The City Manager introduced a briefing by Police Chief Joseph Gaskins, Sgt. C. L. Davis and Lt. G. W Staples, with regard to a proposed Geographic Policing.

# Lt. Staples advised that:

A committee was appointed for the purpose of developing a Geographic Policing proposal, in accordance with Command Staff request; and on January 7, 2004, certain police officers were assigned the responsibility of developing a proposal for creating and implementing a new system that would increase accountability in terms of community policing.

Approximately five years ago, the Police Department made a philosophical and operational shift toward adopting community policing strategies and ideals, and the changes resulted in:

- implementation of standardized community policing training for all officers
- increased exposure of the Police Department's C.O.P.E. Unit
- purchase of computerized mapping software
- a full-time civilian crime analyst, and
- establishment and fortification of community and neighborhood watch groups.

The final piece of the transformation involves the Patrol Bureau function to increase accountability at the lieutenant's level and below, while maintaining the high level of accountability above the rank of lieutenant, and to ensure that all of the other changes that have been established will continue to thrive and be successful.

In order to increase accountability, it became necessary to establish clear zones of the City for which lieutenants would need to be responsible for and supervise.

The first step the Committee took was to create the actual physical zones for the new system of patrol and four zones were identified which took into account the City's natural physical boundaries such as the railroad tracks and the I-581/Route 220 corridor; the Committee then made minor changes to the current patrol district map so that police districts did not cross the new zone boundaries, and the newly established zones also serve to more evenly distribute citizen requests for police service.

The four zones closely parallel the current method of patrol operations; in order to determine if a completely different alternative would work better, the Committee considered many different methods of dividing the City and concluded that the proposed proposal is the best option.

# Reconfigured zones:

- decrease police response time
- ensure a team policing approach where individual officers will come together to collectively address crime problems
- improve delivery of services to the citizens of the City of Roanoke
- increase accountability and responsiveness
- aid the Police Department in meeting management goals and objectives.

Throughout the study and consideration of the following proposal, the Committee was active in speaking out and seeking input from various members of the Police Department, on both an informal and formal basis.

Formal discussions with Sergeants and above have been held on several occasions; more informal discussions have been held with line officers; suggestions made by the Committee were assigned to lieutenants for further examination; during the examination process, the lieutenants sought and received suggestions from rank and file members; and once the final proposal has been approved, the Department will have formal opportunities for members to come forward and share their input.

# The proposal includes:

Recommendations in the proposal were based on the understanding that the Police Department is currently authorized to have 247 sworn positions; and the Department is authorized to have 32 sergeant positions and 11 lieutenant positions.

# The proposal addresses the following issues:

- 1. Reorganization of current police districts to ensure zone equity in terms of more balanced call loads.
- 2. Reorganization of the Patrol Bureau
  Defining the roles of special units assigned within the Patrol Bureau

Patrol Administration Lieutenant Administrative Sergeant

- 3. Defining responsibilities under the zone system
  Lieutenant's responsibilities
  Sergeant's responsibilities
  Increased accountability for zone assignments
  Zone Community Resource Officer
- 4. Establishment of a Uniform Support Unit K-9 Officers
  Power Shift
  Street Crimes Unit

SRO Unit

- 5. Creation of a Downtown Unit

  Mounted Patrol

  Bike Units/Beat Units
  - Parking Enforcement
- 6. General staffing concerns
  Recruit assignments
  Temporary assignments
- 7. Personnel scheduling
- 8. Manpower allotment
- 9. Dispatch
- 10. Implementation

# Reorganization of the Patrol Bureau:

### Patrol Administration

- Will consist of a Patrol Administrative Lieutenant who is directly supervised by the Patrol Captain and an Administrative Sergeant that is directly supervised by the Patrol Administrative Lieutenant.
- Administrative Lieutenant will work at the discretion of the Captain and will have the following supervisory responsibilities:

Field Training Officer (FTO) coordination Temporary replacement for Zone Lieutenant

Monitor communications between Zone Lieutenants

Evaluate and report daily operations to the Captain

Supervise Animal Control Unit

- Animal Control will not be assigned to specific zones due to the lack of manpower.
   In order to staff the zones with one Animal Control Officer per zone, a significant increase in manpower would be required. An increase in manpower would obviously improve services City wide, however, the current staffing level is sufficient to operate within this system.
- Animal Control Officers will be given in-car computers in order to help better communicate and to be aware of what is going on in the City.
- Resolve conflicts and/or staffing issues with the Zone Lieutenants
- Administrative Sergeant will work at the discretion of the Administrative Lieutenant and will have the following responsibilities:

Supervise Hit and Run Investigator and Traffic Safety Officer Quartermaster duties

• Temporary replacement for Zone Sergeant Responsibilities in a Zone System:

Zone Lieutenant Responsibilities:

Lieutenants will be responsible for an area of the City designated as a zone and will not be responsible for a time period; accountability for any and all occurrences within the boundaries of the Zone will become the responsibility of the lieutenants.

A change in mind set will be necessary - no longer in charge of a time period, now in charge of a zone.

Ensure regular attendance and participation at community meetings.

Completion of performance evaluations for Zone Sergeants and Officers.

Assignment and clearance of follow up investigations, personal knowledge of all follow up investigations will enhance the Lieutenant's general knowledge of zone issues, which task should not be delegated to a Sergeant

Follow up investigations will be assigned to officers working 8:00 a.m. - 8:00 p.m.

Investigation of citizen complaints and officers misconduct

Manage and supervise problem solving projects and the regular use of crime analysis information

Maintain call out availability in the event of major/serious crimes

Ensure routine contact with all staff of zone

Act as a representative for the officers assigned to the zone in patrol staff meetings

Scheduling officers during time period.

Zone Sergeant Responsibilities:

Each patrol shift will require four sergeants.

Sergeants will be responsible for daily operations of the platoon, including:

Line-up training Approval of reports

Approval should be done by the Sergeants on the shift of the officer who wrote the report; it is preferred that the Zone Sergeant approves reports coming from higher assigned zone.

Monitor activities in his/her assigned zone Forwarding incident reports to Zone Lieutenants and Command Staff

Zone Community Resource Officer:

Each zone will have one community resource officer assigned directly to the Lieutenant; they will have a flexible schedule to meet the needs of the community in conjunction with the Zone Lieutenant.

Will not be assigned to a patrol shift

Coordinate all community policing objectives and assist the platoons in achieving objectives

The Zone Community Resource Officer should not be the only person on the shifts conducting problemsolving projects; this position is designed to assist in coordinating and executing the various projects underway in a particular zone.

School Resource Officers (SR0):

SRO officers would be directly supervised by the Zone Lieutenant in which the school they work lies (officers working at schools in zone four would report to the Zone 4 Lieutenant)

**Uniform Support Unit:** 

The function of this unit is to support basic patrol functions.

Will be commanded by a lieutenant and two sergeants

The Uniform Support Unit is comprised of 24 positions, not including the lieutenant; supervisory responsibilities due to the number of positions make it comparable to all other operations division lieutenants; the unit involves a variety of smaller units and a lieutenant is needed to facilitate scheduling, as well as to coordinate activities in support of patrol functions and other department needs.

Crime Prevention, K-9 officers, Warrant Service officers, and Power Shift will be supervised by one Sergeant.

K-9 Unit:

Should be placed in Uniform Support Unit to allow a more flexible schedule to provide maximum coverage (i.e.: during shift change and using K-9s City wide)

Removing K-9 from the shift will allow them the flexibility to stay in service during shift change

K-9 maintenance can be conducted during nonpeak hours (i.e.: after shift change)

Placing K-9 and Power Shift under one supervisor will allow the supervisor to compensate for training days and community events that cause gaps in assignments

Crime Prevention should remain an individual unit due to associated demands and communication requirements.

The Homeland Defense Officer will be moved to the Academy and will become part of the Academy's training function. Power Shift - four to six officers:

The purpose is to alleviate call loads so that duty units can conduct follow ups, attend community meetings during shift change, and provide coverage during shift change.

Four to six officers will be supplemented by K-9 officers, but K-9 officers will remain a separate unit; they should not be considered full time members of the Power shift.

Power Shift officers will be on one year temporary assignments and should be removed from the zone system (i.e. Power Shift will not be staffed by zone officers).

Power Shift schedule will cover seven days a week with a focus on the evening shift changeover; the Power Shift supervisor will work with Crime Analysis to ensure that officers are working at times when they are most needed, based on citizen requests for police services

More formalized Power Shift coverage at shift change will reduce overtime expenditures and increase morale

Power Shift officers will have the opportunity to work within the Community Policing Specialist program and will attend meetings and fulfill Community Policing obligations, as necessary to maintain their certification

A seven day rotation for Power Shift should not be considered if staffing for the unit is less than five officers.

Street Crimes Unit:

Will be supervised by one Sergeant and will continue to exist as it does in its current state.

### **Downtown Unit:**

The purpose of creation of the Downtown Unit is to maximize coverage and organize various assignments under one command; currently, at any given time, there are four different supervisors responsible for personnel in the Downtown area.

The Downtown Unit will be supervised by a Downtown Sergeant

The Downtown Sergeant will be supervised by the Zone 1 Lieutenant

The unit will be comprised of:

Three bike units (B-1, B-2 and B-3)

Four mounted patrol units

Three parking enforcement officers

The Sergeant can utilize the personnel to provide maximum coverage of the Downtown area.

Downtown Sergeant will be responsible for the coordination of all special events related to downtown and it is also recommended that the Downtown Sergeant coordinate special events related to the Civic Center.

Downtown Sergeant will be responsible for coordinating with other shifts to provide coverage during evening and over night hours.

Four mounted patrol officers allow for more continuous coverage during day and evening hours; and these officers can serve as mounted patrol officers, as well as on foot and as beat officers in cars to supplement the beat assignment.

Mounted Patrol should be part of the Downtown Unit because that is where they will spend most of their time.

## General Staffing Concerns:

#### Recruits:

The purpose of changing the process by which recruits are assigned to shifts is to ensure that all members of the Department have an interest in the development of the recruit; the committee was concerned that if a recruit were immediately assigned to a specific zone only those officers assigned to that same zone would take an interest in the recruit; and this system eliminates that concern.

Upon graduation, recruits will be assigned to the Patrol Administrative Lieutenant who is in charge of FTO coordination.

The Patrol Administrative Lieutenant will assign them temporarily to a patrol shift (night shift or day shift) for training.

Upon completion of the training process, recruits will be assigned to zones based on need.

Recruits should be acclimated to all zones of the City during training.

ADVANTAGE: Under this system, there will be no need to change the Recruit Training policies and procedures.

The Administrative Supervisors (Patrol Administrative Lieutenant and Administrative Sergeant) will take an active role in FTO coordination and training.

## Temporary Assignments:

The purpose of amending the current process for temporary assignments is to ensure more adequate staffing levels for patrol.

As has been common practice, all temporary assignments should be approximately 12 months in duration.

Those who are assigned temporarily should be removed from patrol rosters to show adequate staffing

All persons reassigned after a temporary assignment should be placed based on need.

## Personnel Scheduling:

Scheduling the time period will be the responsibility of Zone Lieutenants; each Lieutenant will be responsible for the scheduling of officers in their respective zones during working time periods.

Officers will continue to work 12 hour shifts that change at 0700, 0800, 0900 and 2000 hours; officers will be assigned to a "time period", i.e. ALPHA, BRAVO, CHARLIE < DELTA, but lieutenants will not represent a specific time period; lieutenants will represent a zone during each time period with the assumption that Zone Lieutenants or designated representatives are required to attend Patrol Staff and Command Staff meetings every other Monday of the month. It is suggested, in order to facilitate scheduling, that lieutenants will meet on this day and develop an advanced two week schedule for each time period; lieutenants will have the opportunity to discuss vacations, requested training, and extended sick leave on all time periods; all advanced NLAs will be available to the Zone Lieutenants during this meeting so they can determine the number of officers that will be absent from the time period on any given day; they can work together to determine how many officers can be allowed off during each time period and training requests could be brought to the meeting so that the impact of training on daily manpower can be discussed and managed accordingly.

When lieutenants complete the schedule, it will be forwarded to the time period supervisors (Sergeants); the sergeants can approve days off for officers on an "immediate-need basis" during the two week period; this would cover and allow for officers who desire a day off for whatever reason; this will also allow Zone Sergeants the opportunity to keep staffing levels appropriate for the shifts and still have the availability of a supervisor to approve immediate requests for leave.

## Manpower Allotment:

Under the plan, the following allotments are made:

Zone 1 – six officers per shift

Zone 2 - five officers per shift

Zone 3 - seven offices per shift

Zone 4 - seven officers per shift

The proposal creates a more equitable distribution of citizen calls for service over the current operation methodology; in 2003, Zone 4 had the most calls for service, however, this distribution of calls fluctuates from year to year and the proposal allows for flexibility in terms of manpower allocation to include the use of Power Shift, Bike Patrol, Street Crimes and K-9 units to supplement zones as call loads and crime analysis data dictates; and the sharing of resources among Zone Lieutenants allows for adjustments to be made routinely.

#### Dispatch:

On May 21, 2004, dispatch representatives discussed implementation and it was requested that a change in dispatch procedure be implemented; currently the Computer Aided Dispatch (CAD) system assigns officers to calls primarily by district, and then by north side/south side designations; under the new proposal CAD will assign officers to calls based on districts, and then by Zone designations; and dispatching by zone versus north side/south side will ensure more personalized service and a team-oriented approach to policing.

This change will require adjustments to software programming and any cost associated with programming changes will include personnel time and data entry requirements rather than financial expense.

For successful operation of the proposal, dispatch policies and procedures should be reviewed and altered accordingly.

### Implementation:

The plan should be phased in beginning mid-August 2004 and be fully implemented by September 2004.

Questions and discussion by Council Members involved whether there are plans to construct stations/precincts in each of the zones, how were the zones drawn, assurance to citizens that response times will be improved, will the proposed policy represent an improvement in the School Resource Officer program, how will efficiencies be measured; what level of conflict will allow a police officer to cross zones, coordination of response to calls for service with other Roanoke Valley jurisdictions, challenges in recruiting/retaining police officers, and the time line for training a police officer from the time he or she is hired until the time they are placed in the field.

Council Members spoke in support of the proposed Geographic Policing policy and commended Chief Gaskins and his staff for the quality of their work.

In summary, the Mayor advised that the briefing received a positive response by Council; the presence of police officers on the scene in a geographic area on a consistent basis is a good idea which is appreciated by neighborhood organizations and citizens; and Council supports the efforts of the Police Department and requests periodic updates on progress and outcomes.

## POLICE DEPARTMENT: Police Building Phase II Briefing:

The City Manager advised that construction will start in the next seven to ten days on Phase II of the Police Building and it is appropriate at this time to brief Council on plans and logistics. She explained that a previous Council, five to six years ago, agreed to construct a Police building in two phases; and in January 2000 bids were received for Phase I which has been completed for about three years, and, at the time that Council awarded the contract for Phase I construction, architectural/engineering was authorized for Phase II. She stated that within the next year the City should have a fully renovated and new Police Building which will be first time in the history of the Police Department that it will occupy a building that was specifically constructed, designed and renovated for police use.

Brenda Landes, Internal Project Manager, advised that Phase I is located on Campbell Avenue, S. W., the facility was constructed and completed in September 2001 by Thor, Inc., at approximately \$6 million, consisting of approximately 37,300 square feet, on three floors and includes primarily the public functions of the Police Department.

She advised that Phase II design began approximately one year ago, and the prime architectural consultant is the local firm of Ripley, Rodriguez, Mattox and Motley working in conjunction with the internationally recognized firm of McClaren, Wilson, Lawrie from Phoenix, Arizona. She further advised that design of the building was conceived with considerable employee interaction and workshops; inasmuch as a decision was made last year not to procure additional property, Phase II was designed to fit within the property boundaries from the alley to the west property line; and the new addition is approximately 29,100 square feet bringing the total building to 66,400 square feet; and using project diagrams, she reviewed the layout of floors one through four. explained that three temporary construction easements have been obtained by the City and one partial alley vacation; a temporary 30 foot construction easement to the west which is a part of Campbell Place, LLC, was obtained in order to construct the west wall which goes directly to the property line; two easements were obtained to the south, one of which is property that belongs to WSLS and the other belongs to the American Red Cross which will be used for the temporary placement of a crane, staging and storage of building materials: a final easement is needed for construction of ingress and egress due to the short turning radius in and out of the alley; and permanent vacation of a 29 square foot portion of the alley to the north side that does not impact travel nor the paved area which is needed in order to place a dumpster pad. In exchange for the easements, she stated that the City will provide WSLS with 20 parking spaces in the Church Avenue Parking Garage for the duration of construction; the American Red Cross lost seven parking spaces and arrangements have been made for parking on Luck Avenue in areas which are designated for Police and Sheriff vehicles located directly across the street from the American Red Cross and Campbell Place lost 13 parking spaces which are now available at the YMCA parking area; in addition, she advised that the City will resurface the parking lots upon completion of construction of the Police Building.

She advised that bids for Phase II were received on June 15 and the low bid of \$5,035,200.00 was submitted by J. M Turner Construction Co., Inc., a notice to proceed with construction will be given within the next seven days, with completion of the building in 14 – 16 months. She stated that the City is also in the process of retaining an interior design firm to assist with furnishings and equipment for the building and a recommendation will be submitted to Council within the next two weeks.

Question was raised with regard to the timeline for completion of Phase II of the Police Building and completion of the parking garage; whereupon, the City Manager advised that Council authorized funding in the current capital budget for land acquisition and architectural/engineering work for the parking garage, funds will be requested for appropriation in fiscal year 2005–2006 for actual construction of the garage which is estimated to take approximately 12 months, and the Police Building Phase II project will take 14 – 16 months for completion, so there will be a period of time when the garage will not be

available and other parking will be needed in the interim. She called attention to additional surface parking on Salem Avenue as a result of donation of the Zimmerman property in exchange for the demolition and vehicles will continue to be parked under the current Courthouse until construction is completed. She advised that Council is left with making a decision on the current Police Building, and the initial recommendation of City staff is to raze the building which will add additional surface parking on an interim basis. She stated that it is her understanding that some Members of Council have been approached by the judiciary regarding the City's plans for renovation and expansion of the Courthouse.

The City Manager reminded Council that the parking garage is not being constructed exclusively for use by the Police Department, but does anticipate a number of public users; there have been discussions with The Roanoke Times about the availability of its property in exchange for parking spaces, and during construction of the building, there will be some temporary displacement of employees, irrespective of the manner in which the City receives title to or ownership of the property.

In response to a question, the City Manager advised that there are currently no plans for the Courts Building. She referred to a document that was prepared in the mid 1990's that referenced on a priority basis which buildings should be looked at for expansion, the first priority was the Police Building which will be completed with Phase II; the second was Human Services, both social services and health, and while Social Services has moved to space in the Civic Mall, there remains the challenge of getting the State to agree to increased costs associated with moving the Health Department building; and the third priority was the Courthouse Building. She advised that it is preferable to get the Police Building underway before engaging in discussions about the Courthouse; there have been discussions with regard to completing the Library Study, which should occur before the end of the calendar year, in order to receive a recommendation on the future location of the Law Library, i.e.: whether it should remain in the Courthouse or move to a renovated or new main library, which decision will have an impact on how much renovation and what type of courthouse expansion, if any, would be needed. She advised that City staff is looking at the feasibility of moving the probation staff in the current Police Building and it will most likely be at least another year before a plan/cost is in place.

The City Manager explained that capital projects are currently budgeted in a different manner; rather than requesting all of the funds in one capital year for a specific capital project, starting with the current year, projects are broken down into portions that can be accomplished within a certain period of time because the perception by the community is that when the full amount of a project is appropriated in any one year, the project will be constructed very quickly, when in reality, the project still needs to go through decisions on

where to locate, land acquisition, architectural and engineering needs and final construction. She advised that the City administration has not been approached by the judiciary about Courthouse renovation/expansion needs.

The Mayor left the meeting at 10:30 a.m.

' UTILITIES: Utility Cut Briefing:

George C. Snead, Jr., Assistant City Manager for Operations, referred to a previous Council briefing in regard to an action plan involving Standards for Utility Cuts. He advised that Roanoke's customers are not satisfied with the rideability of Roanoke's streets, and the City's Comprehensive Plan addressed the need for more quality and rideable streets; City staff has engaged virtually all parties currently responsible for work in the City's rights-of-way. To solicit their input on the draft policy, the proposed standards have been reviewed on at least two occasions of revised drafts, City staff has reviewed new technology, one of the major utility companies has purchased a new piece of equipment for City's review, and staff has been open to information on new approaches. He stated that the goal of the new standards is to get patches in pavement to a one quarter inch tolerance level which is the same standard that is enforced by the Virginia Department of Transportation.

Robert K. Bengtson, Director, Public Works, presented details of the proposed utility cut standards, including examples of excavation cuts, color coding, desired outcomes and failed utility cuts.

He advised that the purpose of the proposed policy is to address Council's desire to improve the ride quality, appearance and safety of Roanoke's street system and to support the goal of the Vision 2001 Comprehensive Plan for a quality system of streets and neighborhoods. By way of background information, he further advised that all work within the public street right-of-way requires a street opening permit; City crews are currently exempt from permits, but are required to follow standards; a permit costs \$36.00 and authority to regulate work in public streets is set forth in Chapter 30, Code of the City of Roanoke (1979), as amended; and approximately 2000 permits are issued each year to the following utility companies: American Electric Power, Roanoke Gas Company, Verizon, Cox Communications, Adelphia, KMC and the Western Virginia Water Authority.

Mr. Bengston reviewed existing problems such as no written policy or standards, quality of repairs to pavement, timeliness of repairs, coordination of utility work with the City of Roanoke Paving Program, and warranty of repairs. He stated that meetings have been held with utility operators and utility contractors and City staff has listened to concerns and tried to modify the City's proposed standards. He reviewed key concerns of utility providers, i.e.: increased cost of repairs to the utility and ultimately to the consumer,

certification of backfill compaction, requirement to mill and overlay, types of permitted materials and dimensional tolerance for repairs. He also reviewed key modifications to excavation standards, i.e.: increased types of material permitted as backfill, increased options for achieving quality compaction without expensive certification, modified pavement patching detail, improved the City's paving program forecast, and maintained one-fourth inch tolerance for repairs

With regard to pavement restoration, Mr. Bengtson advised that the main areas of concern are appearance, rideability and restoration of the pavement as nearly as possible to its original condition, criteria for mill and overlay (longitudinal installations – mill and leave a full lane width) and service materials – "window cuts" (mill and overlay not required for cuts less than 30 square feet). He noted that coordination with the City's Annual Street Paving Program will involve publishing paving schedules two years in advance, and utilities can avoid the expense of milling and repaving by coordinating their work with the City's paving program. He stated that warranty inspection will include a one year warranty on repairs, inspection at 11 months, written follow up of defective repairs (use of database) and the City will repair the cuts if the contractor fails to respond.

Mr. Bengston noted that the next steps include implementation of the new standards as a pilot program beginning in October, 2004; consideration and adoption by Council in September 2004 of the new standards, with a sunset clause in order to allow all parties to gain a year of experience, and continue frequent communications with utilities during the pilot program, with revisions and final implementation to occur in October 2005. He stated that the permit fee is currently \$36.00 and is proposed to increase to \$50.00.

The City Manager advised that City staff will submit an ordinance for consideration by Council in September, along with a request for fee increase, and final implementation of the program will occur in October 2005. She stated that although it may be seen as a pilot versus a permanent program at this point, the expectation is that the fee will be enacted and there will be minor tweaking of the policy after a year of experience given the changes that staff has already agreed to.

Council Member Cutler inquired about the feasibility of recognizing the work of utility companies by offering incentives, rewards or recognition for a job well done and creating a sense of public/private partnership for smooth streets which would remove some of the negativity by utility companies about the new policy. Mr. Snead responded that during discussions with Roanoke Gas Company and AEP, the issue of the City projecting its paving needs for the next 24 or 36 months was seen as a reward because of the Gas Company's major line restoration program, which, if coordinated with the City's paving program, will be a win/win situation for both parties.

Vice-Mayor Fitzpatrick inquired about the need for a sunset clause on a pilot project when the assumption is that the program will continue after one year, with minor tweaking; whereupon, Mr. Snead advised that City staff worked with utility companies and private contractors, realizing that there may be some issues that staff did not completely understand, and the purpose of a sunset clause is to ensure all parties that if a portion of the policy needs to be revised, the City is willing to work with them.

In response, Vice-Mayor Fitzpatrick advised that the implication is that if enough concerns are raised, the City might abandon the policy which is not the intent of Council; therefore, he asked that the City Manager further review the sunset provision.

The City Manager advised that utility companies are performing today to the standard that was proposed to Council; a major concern of staff when the policy was proposed over a year ago was that the City of Roahoke, as an organization, would be required to adhere to the standards; 800 of the 2000 utility permits will be made by the City's own utility company and if the City is serious about the appearance and rideability of its streets, the City must be willing to pay the price and look at new and different ways to accomplish its goal. She stated that if the Council is comfortable with moving forward, the pilot process will be eliminated with the understanding that if there are problems on either the City side or the business/contractor/utility company side, staff will come back to Council with the necessary revisions, and there may be a need for some negotiation with the utility companies on the language of the proposed policy.

The Mayor returned to the meeting at 11:20 a.m.

REFUSE COLLECTION RECYCLING: Solid Waste Management Plan Briefing:

The City Manager advised that on Monday, August 16, 2004, Council will be requested to endorse the submission of the City's Solid Waste Management Plan to the State, which is a State requirement for development and adoption of the plan on a regular basis; whereupon, she called upon Frank Decker, III, Manager of Solid Waste, to present the briefing.

Mr. Decker advised that the Plan is mandated by the Virginia Department of Environmental Quality; and the City of Roanoke was advised approximately one year ago that it is required to update the Plan and a consultant was hired. He stated that the last revision occurred in 1991, a meeting was held with the City Planning Commission last week and, as a result of the meeting, City staff will work with the Planning Commission not only on the plan, but on other

points that were raised by the City Planning Commission. He called on Lynn Croy, representing Draper Aden Associates, Engineering, Surveying, Environmental Services, to present a summary of the results of the consultant's report.

### Ms. Croy advised that:

The City of Roanoke's Solid Waste Management Plan was prepared in accordance with the Virginia Waste Management Board's Regulations for Solid Waste Management Planning.

The regulations were promulgated pursuant to the Code of Virginia which authorized the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and power and the intent of the Virginia Waste Management Act and Federal Acts.

The purpose of the regulations is to:

Establish minimum solid waste management standards and planning requirements for protection of public health, public safety, the environment and natural resources throughout the Commonwealth of Virginia.

Require the development of a comprehensive and integrated solid waste management plan that addresses all components of the solid waste hierarchy established by the United States Environmental Protection Agency as embraced by the Commonwealth of Virginia, as follows:

source reduction (most desirable activity) reuse recycling resource recovery (waste-to-energy) incineration land filling (least desirable activity)

Promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources Establish procedures and rules for designation of regional boundaries for solid waste management plans

Establish state, local government, or regional responsibility for meeting and maintaining the minimum recycling rates of 25 per cent

Establish the requirement to withhold permits for failure to comply with the regulations

Provide a method to request reasonable variance or exemptions from the regulations

Provide for reporting an assessment of solid waste management in the Commonwealth of Virginia

The planning area for the solid waste management plan is the City of Roanoke which represents a singleentity region for the purpose of filing and administering the plan and for its implementation.

The planning period for the solid waste management plan is 20 years from 2004 - 2024.

On July 8, 1991, when the original City of Roanoke Solid Waste Management Plan was submitted to Council for adoption, the Chair of the Planning Commission outlined the following key waste management needs for the City of Roanoke at that time:

To maximize landfill life expectancy through a comprehensive solid waste management program that focuses on source reduction, reuse and recycling.

To educate both the public and private sectors on the importance and benefits of recycling, source reduction and reuse and how comprehensive solid waste management will protect the environment and reduce waste transport and disposal costs.

To continuously explore the market for recyclable materials in order to find the most cost-effective means for recycling certain materials and to continuously search for effective means of managing other solid waste.

To make solid waste management as financially feasible as possible for the City and its residents.

The City Planning Commission previously approved the plan on June 5, 1991, and the plan was approved by Council on July 8, 1991; and since 1991, the City has worked diligently to address the needs.

A table was provided summarizing the 1991 implementation strategies developed during Plan preparation and a status report on implementation of strategies is attached to the report. (See table on file in the City Clerk's Office.)

There have been many changes in the City's solid waste management program since 1991; City-wide curbside recycling has been implemented, waste disposal has moved to the Tinker Creek Transfer Station and Smith Gap Landfill, and weekly brush collection was initiated; the City is now a member of the Roanoke Valley Resource Authority with membership established on December 3, 1991, and an active participant in the Clean Valley Council; and annual business reporting has been established and for 2003 a recycling rate of 51.7 per cent was reported to the Department of Environmental Quality.

A brief description of the City's current solid waste program is as follows: the City's solid waste collection, disposal, and recycling programs fall under the umbrella of the City's Public Works Department, Solid Waste Management Division; in the year 2000, the City started a major overhaul of its program by implementing more automation and more efficient routes, as well as expanding the recycling program; and the solid waste management systems consist of the following components:

Solid Waste Collection - The City provides collection to its residential and central business district sectors; it collects from approximately 42,000 households and some small businesses integrated into the residential collection routes and 200+ businesses in the CBD; the remaining commercial/business waste is collected by private sector haulers; the City also provides curbside bulk collection which includes bulky items like

furniture, white goods and brush; the majority of the residential waste is collected by the City at the curbside with automated collection vehicles; residents are provided with a 96 gallon cart free of charge; some back alley and side yard collection is still conducted but on a limited basis; citizens are not charged for this service as it is paid for out of the General Fund; businesses in the Central Business District are charged from \$60.00 to \$100.00 per month depending on the type of business; the City also has 28 dumpster locations serving various City departments, located at such places as City parks, fire stations, Victory Stadium, the zoo and other municipal buildings and these sites are currently serviced through a contract with Waste Management, Inc.

Recycling - the City provides curbside collection of recvclables to its residents and businesses in the CBD: each household receives two green recycling bins, which are recorded and registered to the address; each week one of the two containers is collected on the same day as trash collection; one week is "Bottles and Cans" week and on this week the City collects clear glass bottles, aluminum and steel cans and #1 and #2 plastics; as of July 1, 2004, the City had to drop collection of green and brown glass although residents can still take these materials separated directly to the drop off center at Cycle Systems, Inc.: the next week is "paper" week and on this week, the City collects office paper, junk mail, magazines, newspapers, chipboard boxes and corrugated boxes; and commercial recycling is encouraged and is handled by the City in the CBD and by the private sector elsewhere.

City government facilities also recycle; the in-house program started with the collation of bottles and cans and paper collection in City Hall and within several months the pilot program was expanded to other facilities; and today all City buildings have a paper recycling program and some have both a paper and bottles/cans program.

The City reported a recycling rate of 51.7 per cent for calendar year 2003, with a total tonnage of recyclables, including those from the commercial sector of 54,894 tons, of which 16,145 tons were road millings, and

18,250 tons were miscellaneous metals; the curbside collection program reported collection of 2,875 tons in fiscal year 2004 which amounted to \$95,713.00 in avoidance costs (i.e. the difference between the potential cost to landfill the material minus the cost of recycling); the materials collected in the curbside collection program are delivered to Cycle Systems, Inc., for processing; at this time, the City pays \$5.00 per ton for the handling of mixed paper and \$40.00 per ton for the handling of the commingled bottles and cans; Cycle System's contract runs out on July 30, 2004, and the City is currently in the process of bidding those services.

Cycle Systems, Inc., started as a scrap metal dealer in 1916 and now operates five facilities in central and southwest Virginia in Roanoke. Lynchburg. Waynesboro, Harrisonburg and Martinsville; company considers the Roanoke recycling facility to be one of the most advanced facilities in the Mid-Atlantic region, processing thousands of tons of material each month; the Roanoke facility located at 2580 Broadway. S. W., has a community recycling station; proceeds collected from this station are donated to the Clean Valley Council; materials accepted at the recycling station include cardboard, newspaper, mixed paper, office paper, steel cans and aluminum cans; Cycle Systems, Inc., also operates a buy back center for citizens who wish to receive compensation for their materials; and aluminum cans are currently bringing from \$.36 to \$.40 per pound.

The Roanoke Valley Resource Authority also operates a drop off collection center at the Tinker Creek Transfer Station, accepting newspaper, clear glass and metal cans (aluminum/steel); and the RVRA also accepts white goods and other scrap metal and all types of batteries for recycling.

Disposal - The waste collected in the City by the City is taken to the Roanoke Valley Resource Authority Tinker Creek Transfer Station where it is loaded onto rail cars and hauled to the Smith Gap landfill, located in Roanoke County; the transfer station was permitted in 1992 and the landfill permitted in 1993; waste collected in the City by private commercial haulers, or

handled directly by the business or industrial generator, is generally taken to the same transfer station; however, because the City cannot control the flow of its waste, some of the waste is more than likely taken to the City of Salem transfer station and transported to the Waste Management facility in Amelia County, Virginia, or taken to the BFI transfer station and transported to the Allied Waste Landfill in Brunswick County; and tonnage lost to the Salem or BFI facilities is not tracked by jurisdiction.

The Tinker Creek transfer station handled a total tonnage of 159,231 tons in fiscal year 2004; this tonnage includes waste delivered by the City of Roanoke, Roanoke County, the Town of Vinton, and various commercial collection companies and private businesses; the Authority does not track the tonnage from the commercial collection companies or the private sector by location of origin; thus, the tonnage from the commercial and private sector generated within the City and delivered to the Authority is not known; according to the Authority's records, for fiscal year 2004, the City and its residents delivered 54,349 tons to the facility representing approximately 34 per cent of the total tonnage run through the facility and delivered to the landfill; and this tonnage would represent the residential tonnage collected by the City, the Central Business District tonnage collected by the City, some commercial collection outside the Central Business District which can be handled by the residential collection and tonnage delivered to the Transfer Station directly by the citizens of the City.

According to the DEQ, the Smith Gap landfill for 2003 has approximately 34.8 years of life remaining in the existing permitted area at an annual disposal rate of 255,200 cubic yards per year; however, the overall life expectancy of the landfill, including expansion areas, is 100+ years; at this time, approximately 50 acres have been developed; and the Authority's annual budget for fiscal year 2004 was \$8,091,969.00.

Composting/Mulching: Leaves and brush are collected by the City; the City collects the loose leaves via leaf vac during the fall and takes them to a processing facility at Rockydale Quarry where they are processed into a soil amendment; bagged leaves are also collected by the City; the leaves will be debagged and also taken to the quarry for the first time in 2004; prior to this year, the bagged leaves were handled elsewhere but this property is no longer available for use; and the City collects brush weekly and takes it to the RVRA transfer station where it is ground into mulch.

Primary goals developed by the City for the Solid Waste Management Program under the new plan are summarized as follows; the existing system is well developed and serves the community well, thus, the goals do not reflect new dramatic programs, but continuous improvements to the existing system with a strong emphasis on source reduction, reuse and recycling.

#### Collection:

Expand educational efforts to collection, to provide information to citizens on container placement, acceptable and unacceptable waste, and scheduling.

Continue to automate collection to the maximum degree possible with existing financing.

Evaluate the Central Business District for improvements to the collection system.

## Recycling:

Continue to live the Vision 2001-2020 mission which states that "Roanoke will be known as a City that recycles all recyclable material where feasible."

Continue to aggressively promote source reduction and recycling as a way to save costs and to increase landfill life expectancy.

Encourage better participation by businesses in reporting their source reduction and recycling efforts annually.

Consider the construction and operation of a regional clean materials recovery facility (MRF), possibly operated by the RVRA or other regional entity; a MRF

would allow the City to automate recycling and potentially reduce collection to twice per month and could improve recycling markets for the region and provide flexibility.

#### Composting/Mulching:

Consider partnering with the Western Virginia Water Authority to develop a biosolids/yard waste composting program producing a marketable product. Continue to support the mulching program operated by the RVRA.

#### Disposal:

Continue to promote source reduction and recycling as a means to increase the life expectancy of the facility. Continue to support the operations of the transfer station and landfill through active participation in the RVRA.

#### Summary:

In conjunction with its membership in the Roanoke Valley Resource Authority, and its affiliation with Cycle Systems and its support of the Clean Valley Council, has established one of the comprehensive and effective integrated solid waste management programs in the Commonwealth of Virginia; waste reduction, reuse, recycling, disposal programs have been abolished that exceed current regulatory mandates; for instance, the City conducts door-to-door curbside recycling, has entered into a long-term membership in the Roanoke Valley Resource Authority for disposal in a subtitle D compliant landfill facility, and participates in a successful year waste mulching program sponsored by the RVRA, a leaf composting program developed by Rockydale Quarry, and in a Household Hazardous Waste Collection Day sponsored by the Clean Valley Council.

The City's recycling program has grown significantly over the past decade, and is currently attaining a 51.7 per cent recycling rate as reported to DEQ for 2003; the recycling rate is broad-based, meaning that it is

tolerant of fluctuations in any one component of the program and can absorb changes without threatening the City's ability to meet the 25 per cent mandate; the City includes a significant amount of non-traditional materials in its recycling program; if these materials are subtracted, the City still meets a recycling rate of 28 per cent for 2003; the current recycling program, if maintained at its current level of service and success (assuming that the quantity of recyclables collected and marketed does not increase), would still result in a 47.8 per cent recycling rate in 2024, based on the current projections of population and waste generation rates.

Disposal activities over the planning period and beyond are secure with the Roanoke Valley Resource Authority and collection has become more efficient with the advent of automation; and it would appear that the City can focus its efforts on education promoting reduction in the waste stream and encouraging more recycling.

There was discussion in regard to whether or not the life of Smith Gap Landfill can be extended by baling as opposed to dumping loose garbage; whereupon, Ms. Croy advised that the old school of thought was that baling would add life to a landfill. She further advised that since landfills have been in operation for 15 – 20 years, it has been discovered that the shear volume of waste itself will compress the waste over time; and the next generation of landfills will become bio-reactors, whereby instead of keeping water out and keeping the landfill dry, water will be recycled through, turning the facility into something like a pressure cooker which cooks and churns and pops out methane gas that causes waste to decompose rather quickly, thus reducing volume.

There was discussion in regard to green and brown glass which no longer will be recycled by the City, and constituted 35-40 per cent of recycled material, crushing colored glass for road materials, and recycling materials from razed buildings.

The City Manager advised that Council will hold a public hearing on the proposed Solid Waste Management Plan on Monday, August 16, 2004, at 7:00 p.m., at which time Council will be requested to authorize submittal of the Plan to the Virginia Department of Environmental Quality.

ACTS OF ACKNOWLEDGMENT-CITY EMPLOYEES: Volunteer Program briefing:

The City Manager introduced Angela Gentry, Volunteer Coordinator, which is a new position that was established in fiscal year 2004 to coordinate a volunteer program for the City of Roanoke.

Ms. Gentry advised that the Municipal Volunteer Program is a community outreach program which is designed to encourage citizens to participate in local government; the mission of the program is to provide the highest quality of service to Roanoke's citizens and to the Roanoke Valley by engaging the community in civic involvement, thus creating a more enlightened and active citizenry; the role of Human Resources is to provide a central office location for volunteers, to promote the volunteer program, to recruit, screen, interview and refer volunteers to City departments, to maintain volunteer files, to provide an orientation to new volunteers, to serve as a liaison between volunteers and staff, to coordinate volunteer recognition and awards, to assess the performance of the program, to generate reporting to provide departments with feedback, to assist and support volunteers and City departments and to keep volunteers and staff informed.

She stated that the United States is a nation of volunteers, i.e.: 56 per cent of most Americans are presently volunteers, 20 per cent are not currently serving and 23 per cent have never served as an adult, 63.8 million people volunteered in some capacity which is up from 59.8 million, and the volunteer rate grew to 28.8 per cent, or up from 27.4 per cent, a median of 52 hours were dedicated to volunteer activities for 2003, an estimated 3.9 million adults volunteered over 15.5 billion hours in 2000, for a weekly average of 3.6 hours per week served per volunteer; and the 2003 national average hourly value of volunteer time is \$17.19, effective March 2004 to February 2005.

Ms. Gentry advised that citizens should be involved as volunteers to expand City services, to strengthen programs and services, to enhance rapport between the City, citizens and businesses, and to bring innovative new ideas and advocacy; and citizens can gain the following from volunteering their services: learn about local government, stay active after retirement, build teamwork, fulfill a sense of responsibility, expand knowledge, share talents and abilities, explore new areas of interest, learn and develop new skills, meet new and interesting people, gain new experiences, help shape the community's future, and have fun.

She explained that in order to become a City volunteer, a citizen is required to complete a volunteer application, participate in an interview process followed by volunteer placement; currently 31 individuals and two groups participate in the City's Volunteer Program; and 16 City departments have submitted requests for volunteers, as follows:

25 participated in the Easter Egg Hunt
7 in the fitness celebration
1 in the City Treasurer's Office
1 at the Fire/EMS Regional Training Center
33 at the Youth Forum
1 in the Downtown Library
1 at the Mill Mountain Discovery Center
16 at the Building New Partnerships Conference
37 in the Roanoke River Clean-Up
1 in Economic Development
4 in the office of Commissioner of the Revenue

Ms. Gentry advised that for the period March 1 to July 31, 2004, 127 volunteers donated 631.25 hours at an estimated savings of \$12,637.63.

There was discussion in regard to rewarding volunteers for their service; liability coverage, recognizing volunteers in connection with the City's Annual Volunteer Reception which is hosted by the Mayor and Members of Council, background screening in certain instances, and an opportunity for volunteers to indicate on the application if they are interested in serving on a City Council appointed authority, board, commission or committee

The Mayor expressed appreciation for the briefing and wished Ms. Gentry success in her recruitment of volunteers for the City.

STADIUM-COMMITTEES: The Mayor advised that the Members of Council will engage in a working lunch to discuss the proposed charge for the Stadium Study Committee. He called attention to the Council's work session which was held on Tuesday, July 6, 2004, at which time Council Members agreed to provide him their input regarding the charge to the Committee; however, having received no response prior to today's meeting, he presented the following proposed charge to the Committee in an attempt to capture the sentiment of Council's previous discussion:

"The Stadium Study Committee is charged with assessing the athletic facility needs of our City. Specifically, the Committee shall review the feasibility of renovating Victory Stadium. The Committee shall also have the latitude to review other possible athletic facility venues and locations as it deems appropriate. The Committee shall report its recommendation(s) regarding the renovation of Victory Stadium and/or other athletic facilities to the City Council within nine months of the Committee's appointment."

Council Member Wishneff presented the following proposal:

"The Committee shall review the feasibility of renovating Victory Stadium for use as an athletic facility and major events/music venue for events that need to accommodate larger crowds. The Committee shall also have the latitude to review other possible athletic facility venues, including an outdoor track and locations as it deems appropriate. The Committee shall interview, recommend and negotiate a contract with consultants needed to perform its duties. The Committee shall supervise the work of the consultant. The Committee shall report its recommendation(s) regarding the renovation of Victory Stadium and/or other athletic facilities to the City Council within nine months of the Committee's appointment."

An inquiry was made in regard to marketing the Orange Avenue site; whereupon, the Mayor advised that the site should be held in abeyance for the time being, in order to gain a consensus on a future municipal use.

Vice-Mayor Fitzpatrick advised that he has opposed the Orange Avenue/Williamson Road site for a new stadium/amphitheater because a quadrant of an interstate interchange should not be used for public purposes when the property is more valuable from a commercial development standpoint; on July 6, Council agreed to include the site in the proposed study. therefore, it would be premature to obtain market information while the Stadium Study Committee engages in its assignment; and the marketability issue will come into play when and if it is determined that the Orange Avenue/Williamson Road site has no athletic use. He stated that the purpose is not to review the feasibility of Victory Stadium, but to determine the needs of Roanoke's high schools and potential athletic events that might be drawn to the Roanoke area in order to be successful, therefore, to not look at the overall picture would be a mistake. He called attention to the need, first and foremost, to look at the structural condition of Victory Stadium, because no core drillings have been made of the stadium, and before the Stadium Study Committee can consider a renovation of Victory Stadium, the cost of renovating the Stadium should be known which will then give Council a better ability to know how to spend taxpayers' money. He stated that the athletic needs of the high schools and the potential venue for sports events should be separated from the entertainment component and there is a need to define Roanoke as an entertainment venue.

Council Member Cutler advised that the charge to the Stadium Study Committee should be a larger City-wide mission and purpose than just Victory Stadium. He spoke in support of comparing Victory Stadium to other potential sites in regard to cost and accessibility and it is hoped that the Committee will bring forth several alternative sites as a part of its recommendation. He stated that any consulting contracts should be administered by City staff, with findings to be provided to the Committee. He concurred in a previous remark that ultimately the school system should be responsible for providing its own athletic facilities.

Council Member Lea advised that he served on the Roanoke City School Board for five years and during his first year he proposed discontinuation of the use of Victory Stadium by Roanoke's Schools, the Superintendent of Schools looked at both William Fleming and Patrick Henry High Schools as potential sites for a small stadium, there is not sufficient space at Patrick Henry because a minimum 3000 seat stadium would be needed and criticism has been expressed by residents of the surrounding area in regard to parking issues in the neighborhood. He further advised that William Fleming High School has the required space, but a stadium could not be constructed at William Fleming and not at Patrick Henry, therefore, the School Board decided not to construct high school stadiums and instead focused on what could be done for Victory Stadium. He stated that although it was a School Board issue, based on the advice of the School Superintendent, the concept was abandoned.

Council Member McDaniel advised that the charge to the Stadium Study Committee should be broad based and all of the options should be placed on the table for review by the Committee.

Following review of the proposals submitted by the Mayor and by Council Member Wishneff, the following charge to the Stadium Study Committee was proposed:

"The Stadium Study Committee is charged with assessing the athletic facility needs of our City. The Committee shall review the feasibility of renovating Victory Stadium for use as an athletic facility and venue for events that need to accommodate larger crowds. The Committee shall also review other possible athletic facility venues, including an outdoor track and locations as it deems appropriate. The Committee, with assistance of City staff, shall recommend consultants needed to perform its duties. The Committee shall supervise the work of the consultant. The Committee shall report its recommendation(s) regarding the renovation of Victory Stadium and/or other athletic facilities to the City Council within nine months of the Committee's appointment."

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The Mayor advised that it has been brought to his attention that it is the decision of the School Board to include tracks at the two high schools, although the kind of tracks is not known.

The City Manager called attention to the need for Council to provide direction, and advised that when the City offered to identify a separate venue for a track, Superintendent Harris indicated that the schools would like to construct two smaller tracks at the two high schools. She also called attention to previous discussions with the Roanoke County Administrator and two different Administrators at Hollins University in regard to the feasibility of creating a regional track facility with the support of Hollins University, but the Superintendent of Schools indicated that the School Board was prepared to proceed with two tracks at the two high schools, with the intent of requesting additional funds from the City.

Council Member Dowe advised that if Victory Stadium is named specifically in the charge to the Stadium Study Committee, other potential sites should also be specifically named.

Vice-Mayor Fitzpatrick moved that the following charge to the Stadium Study Committee be adopted:

"The Stadium Study Committee is charged with assessing the athletic facility needs of our City. The Committee shall review the feasibility of renovating Victory Stadium for use as an athletic facility and venue for events that need to accommodate larger crowds. The Committee shall also review other possible athletic facility venues, including an outdoor track and locations as it deems appropriate. The Committee, with assistance of City staff, shall recommend consultants needed to perform its duties. The Committee shall supervise the work of the consultant. The Committee shall report its recommendation(s) regarding the renovation of Victory Stadium and/or other athletic facilities to the City Council within nine months of the Committee's appointment."

The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wishneff, Cutler, Dowe, McDaniel and Mayor Harris-----6. NAYS: Council Member Lea----1. ' (Mr. Lea's vote was later changed.) Following discussion, Council Member Lea advised that inasmuch as the Mayor had clarified a misunderstanding, he would like to change his vote on the motion from no to yes. Without objection by Council, the Mayor requested that the Clerk change Council Member Lea's no vote to a yes vote; whereupon, the motion was unanimously adopted. The Mayor advised that he will work with the City Manager and the City Clerk with regard to providing clerical support to the Stadium Study Committee. Council Member Wishneff requested that the record reflect that he also has concerns with regard to neighborhood issues associated with two smaller stadiums at the two high schools, but in a spirit of cooperation, he will support the motion. There being no further business, at 1:10 p.m., the Mayor declared the Council meeting in recess and advised that Council will reconvene at 1:15 p.m., in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, for a closed session which was previously requested by the City Attorney, and the regular meeting of Council will reconvene at 2:00 p.m., in the Council Chamber. At 2:00 p.m., on Monday, August 2, 2004, the Council meeting

At 2:00 p.m., on Monday, August 2, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

DECEASED PERSONS: Council Member Dowe offered the following resolution memorializing the late Gordon Preston Davidson, Director of Community Services of the Blue Ridge Independent Living Center:

(#36798-080204) A RESOLUTION memorializing the late Gordon Preston Davidson, Director of Community Services of the Blue Ridge Independent Living Center.

(For full text of Resolution, see Resolution Book No. 69, page 51.)

Mr. Dowe moved the adoption of Resolution No. 36798-080204. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris -----7.

NAYS: None-----0,

The Mayor presented a ceremonial copy of the above referenced measure to Ms. Pat Davidson, representing the Davidson family.

ACTS OF ACKNOWLEDGEMENT-AUDITS/FINANCIAL REPORTS: The Mayor presented Certificates of Achievement to Jesse A. Hall, Director of Finance; Dawn L. Hope, Financial Systems Accountant; and Harold R. Harless, Jr., Retirement Plans Accountant, which were issued by the Government Finance Officers Association of the United States and Canada in recognition of the City of Roanoke's Comprehensive Annual Financial Report and the City's Pension Plan report. He commended employees of the Department of Finance upon receiving the awards which represent the highest form of recognition in the area of governmental accounting and financial reporting and their attainment represents a significant accomplishment by a government and its management.

ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY: Edward Murphy and Earl Saunders, representing the Board of Directors, Rebuilding Together, advised that Rebuilding Together has rehabilitated 22 houses owned by elderly and disabled homeowners in the City of Roanoke. On behalf of the Board of Directors, they presented the City of Roanoke with a plaque in appreciation of the City's sponsorship.

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Thursday, May 20, 2004, and Monday, June 7, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7:

NAYS: None-----0

SPECIAL PERMITS: A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to authorization for encroachment into a public right-of-way at 16 Campbell Avenue, S. W., Official Tax No. 1011707, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris----7.

NAYS: None-----0.

COMMITTEES-FIFTH PLANNING DISTRICT COMMISSION: A communication from R. Brian Townsend, Director, Planning, Building and Development, tendering his resignation as a member of the Roanoke Valley Alleghany Regional Commission, effective immediately, was before Council.

Mr. Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:

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before Council.

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris7.
NAYS: None0.
COMMITTEES-ROANOKE NEIGHBORHOOD ADVOCATES: A communication from John Renick, Secretary, advising of the resignation of Jesse Dodson as a member of the Roanoke Neighborhood Advocates, was before Council.
Mr. Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris7.
NAYS: None0.
ZONING: The Annual Report of the Board of Zoning Appeals for fiscal year 2004, was before Council.
Mr. Fitzpatrick moved the Annual Report be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris7.
NAYS: None0.
ROANOKE CIVIC CENTER-PROCUREMENT CODE: A communication from the City Manager advising that on July 20, 2004, she approved an emergency award declaration to replace the theatricals and stage dimming system (i.e. "patch panel) at the Roanoke Civic Center Auditorium; and the following factors led to the request by staff and subsequent approval, by the City Manager, was

- The existing "patch panel" interconnects and controls the theatrical lighting fixtures (used on the stage) to the Auditorium's electrical power system.
- The panel incorporates patch codes, which are no longer available, that are used to connect and control (dim) various lighting circuits; the insulators on the plug ends of the cords wear out exposing the electrical wiring and creating a potential shock hazard to technicians who operate the panel.

- The problem first surfaced five-six years ago and was resolved at the time by shortening the length and rewiring the cords; and the problem has resurfaced, but the cords cannot be shortened any further.
- The panel needs to be replaced as soon as possible to eliminate a potential hazard.

It was further advised that pursuant to procurement regulations, the City is required to foster competition; to comply, staff solicited general (prime) contract bids for the project from six electrical contractors, each contractor having a staff of sufficient size to perform the work in a timely manner; in addition, given that the work associated with the new dimming equipment is specialized, four specialty subcontractors were invited to provide the work; all work will be completed by the end of September 2004, during the period when seating in the Auditorium is being replaced; and at the present time, the Auditorium is not in use and is not scheduled to be in use until the first week in October.

The City Manager pointed out that a meeting was held at the Auditorium on July 22, 2004, to distribute documents and to review the work; only one bid was received on July 28, in the amount of \$246,757.00, from Newcomb Electric Company., Inc.; other contractors invited to submit bids did not do so for different reasons, ranging from their current workload to requirements that the project be bonded; it is intended to award a contract for the amount indicated to eliminate a potential hazard and to have the work completed within the time frame indicated; and, as required by the City Charter, the communication is intended for information purposes only and no action by the Council is required.

Mr. Fitzpatrick moved that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris----7.

NAYS: None-----0.

OATHS OF OFFICE-FIRE DEPARTMENT-COMMITTEES-ROANOKE ARTS COMMISSION-COURT COMMUNITY CORRECTIONS BOARD-YOUTH-PENSIONS-CABLE TELEVISION: The following reports of qualification were before Council:

Mark K. Cathey as a member of the Board of Fire Appeals for a term ending June 30, 2008.

Dennis R. Cronk as a member of the Virginia Western Community College, Board of Directors, to fill the unexpired term of Harriet S. Lewis, resigned, ending June 30, 2006.

Sherman P. Lea as a Council representative to the Roanoke Valley Regional Cable Television Committee.

George M. McMillan as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007.

Michael W. Hanks and Anthony Wallace for terms ending June 30, 2006; and Donna S. Johnson for a term ending June 30, 2008, as members of the City of Roanoke Pension Plan, Board of Trustees.

Mark C. McConnel as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

Mr. Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES:	Council	Members	Fitzpatrick,	Lea,	McDaniel,	Wishneff,	Cutler,
Dowe,	and M	layor Har	ris					7.

NAYS: None-----0.

#### **REGULAR AGENDA**

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS: None.

**REPORTS OF OFFICERS:** 

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

PARKING FACILITIES: The City Manager submitted a communication advising that the Church Avenue West Parking Study determined that there is a deficit in the parking supply in the downtown west area of approximately 500 spaces on a normal week day; the City's Capital Improvement Program includes \$7.2 million in future general obligation bonds for development of two new parking garages, each containing 250 – 300 spaces; on June 21, 2004, Council authorized the issuance of \$2.0 million in general obligation bonds for the project, with remaining funds to come from a future bond issue; Council also

authorized appropriation of \$600,000.00 in advance of bond issuance for the project; the garages will address the deficit of parking spaces; several sites with proximity to the downtown area were considered as possible locations, with two sites being selected that best meet the needs for the new garages; one garage will be located on Luck Avenue and the other at Campbell/Salem Avenues; authorization is needed to move forward with acquisition of the necessary property rights; and total acquisition costs for consideration and related expenses such as title reports, environmental inspections, and relocation are estimated to be \$1.2 million.

The City Manager recommended that she be authorized to acquire fee simple title to certain property, as more fully described in an attachment to the report, subject to acceptable environmental inspection and title report; and such property rights may be acquired by negotiation or eminent domain.

Mr. Cutler offered the following ordinance:

(#36799-080204) AN ORDINANCE providing for the acquisition of certain interests in property needed by the City for the Downtown West Parking Garages Project; providing for the City's acquisition of certain property rights by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the property for the purpose of commencing the project; all upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, page 53.)

Mr. Cutler moved the adoption of Ordinance No. 36799-080204. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris----7.

NAYS: None-----0.

HEALTH DEPARTMENT-BLUE RIDGE COMMUNITY SERVICES: The City Manager submitted a communication advising that the 1998 General Assembly passed HB428 which amended and reenacted sections of the Code of Virginia relating to local roles and responsibilities for mental health, mental retardation, and substance abuse services; Section 37.1–194 of the Code of Virginia, 1950, as amended, requires every locality to establish a community service board to oversee the delivery of mental heath, mental retardation and substance abuse services, and it is further required that the local governing body approve a Performance Contract; and the City of Roanoke has established Blue Ridge Behavioral Healthcare, pursuant to the above referenced statutory provision, as the Community Services Board.

It was further advised that Blue Ridge Behavioral Healthcare has submitted the Fiscal Year 2005 Community Services Performance Contract to ensure delivery of publicly funded services and support to citizens of the Commonwealth of Virginia with mental illness, mental retardation, or substance abuse; services are to be directly, or by contract, through the operating board of the Community Services Board; and Section 37.1–198B, Code of Virginia, 1950, as amended, requires all governing bodies for the localities served by the Community Services Board to approve the Community Services Performance Contract.

The City Manager recommended that Council adopt a measure approving execution of the Blue Ridge Behavioral Healthcare Fiscal Year 2005 Performance Contract and that the City Manager be authorized to execute any required documents to enter into the Performance Contract with the Blue Ridge Behavioral Healthcare Board.

Mr. Dowe offered the following resolution:

(#36800-080204) A RESOLUTION approving and authorizing the execution of the Blue Ridge Behavioral Healthcare FY 2005 Performance Contract, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, page 55.)

Mr. Dowe moved the adoption of Resolution No. 36800-080204. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

Α	YES:	Council	Members	Fitzpatrick,	Lea,	McDaniel,	Wishneff,	Cutler,
Dowe, a	and M	layor Har	ris					- <b>-</b> -7.

BUDGET-GRANTS-POLICE DEPARTMENT: The City Manager submitted a communication advising that the Virginia Department of Criminal Justice Services (DCJS) provides grant funding for development and improvement of criminal justice records systems; and the Criminal Justice Records System Improvement grant provides funds for automation of criminal justice systems, development of technology to improve and enhance services to victims, development of interfaces that facilitate exchange of information and assistance to localities in conversion to Incident Based Reporting (IBR) systems.

It was further advised that in December 2001, DCJS awarded the Roanoke Police Department \$165,400.00 to automate IBR Field Reporting and data entry, thereby ensuring quality current data availability to officers and investigators; and on June 21, 2004, DCJS awarded the Roanoke Police Department \$72,323.00 (\$18,081.00 of which must be a cash match from the City) to continue automation efforts for the IBR Field Reporting system.

It was explained that success of the program is dependent upon full transition of the Police Department and the Sheriff's Office to the same criminal justice records system; grant funds will be used to create a seamless interface of the two agencies and to allow for data sharing through the purchase of additional Police-Pak software licenses along with Jail-Pak and related start-up licenses, equipment, and training; and the required cash match expense of \$18,081.00 will be shared equally by the Police Department and the Sheriff's Office and is available in Police Department, Account No. 035-640-3302-2035, and Sheriff's Office, Account No. 001-024-3310-2074.

The City Manager recommended that Council accept the grant and that she be authorized to execute a Statement of Grant Award/Acceptance; and that Council appropriate \$54,242.00 from the Criminal Justice Record System Improvement Continuation Program and transfer \$9,041.00 from the Police Department, Account No. 035-640-3302-2035 (Federal Asset Forfeiture), and \$9,040.00 from the Sheriff's Office, Account No. 001-024-3310-2074 (Inmate Phone Commission), to Grant Fund, Account No. 035-640-3411, established by the Director of Finance as follows:

Account	Object Code	<u>Amount</u>
Fees for Professional Services Expendable Equipment Publications & Subscriptions	2010 2035 2040	\$ 3,828.00 2,000.00 66,495.00
Total		\$72,323.00

Mr. Dowe offered the following budget ordinance:

(#36801-080204) AN ORDINANCE to establish the Record System Improvement Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, page 56.)

Mr. Dowe moved the adoption of Ordinance No. 36801-080204. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Comprehensive Services Act (CSA), which was established in 1993, provides residential and non-residential treatment services to troubled and at-risk youth and to their families through a collaborative system of state and local agencies, parents, and private sector providers; services include mandated foster care, certain special education services, and foster care prevention; and CSA also provides services to certain targeted non-mandated populations.

It was further advised that upon completion of the year end processing of transactions and various accounting entries, CSA expenditures totaled \$9,838,164.00 for fiscal year 2004; expenditures exceed the current CSA budget of \$9,500,000.00 by \$338,164.00; program revenue from cost recoveries will be \$106,038.00 higher than anticipated, and State revenue will be \$17,209.00 lower than anticipated, which results in the need for \$249,335.00 in additional local funds; additional funding is for mandated services for at-risk youth; and actual expenditures are higher than anticipated primarily because of the local match required for Medicaid eligible expenses.

The City Manager recommended that Council:

- Increase the General Fund Revenue estimate for CSA in the net amount of \$88,829.00 (an increase in revenues from charges for services of \$106,038.00 and a decrease in revenues from the Commonwealth of Virginia of \$17,209.00) and appropriate funding to expenditure accounts outlined below.
- Transfer funding in the amount of \$249,335.00 from the following Department of Social Service accounts:

Natural Gas (001-630-5311-2024) - \$28,090.00 Other Rental (001-630-5311-3075) - \$10,000.00 Expendable Equipment (001-630-5313-2035) - \$14,000.00 Supplementa! Security Income (001-630-5313-3116) - \$55,000.00 ADC Foster Care (001-630-5314-3115) - \$78,000.00 Fees for Professional Services (001-630-5315-2010) - \$27,245.00 Other Rental (001-630-5316-3075) - \$17,000.00 Employee Programs (001-630-5318-2043) - \$20,000.00

• Appropriate funding in the amount of \$338,164.00 to the following accounts:

Medicaid Local Match (001-630-5410-3133) - \$200,078.00 Foster Care (001-630-5410-3191) - \$138,086.00

Mr. Fitzpatrick offered the following budget ordinance:

(#36803-080204) AN ORDINANCE to appropriate funding to the Comprehensive Services Act program for expenditures of troubled youth and their families and revise the revenue to be provided by the Department of Medical Assistance, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, page 58.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36803-080204. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: Council Member Cutler commended Melinda Mayo, Communications Coordinator, author of an article in the *Virginia Town and City Magazine* entitled, "Roanoke Continues Tradition of Forging New Paths," which describes the City's progress that led to Roanoke's being selected as one of America's "most livable communities" by Partners for Livable Communities.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Lea recognized former Council Member W. Alvin Hudson, Jr., who was recently appointed by the Governor of Virginia to serve on the State Board of Corrections.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL-SPORTS ACTIVITIES: Council Member Lea expressed appreciation to the Mayor, Council Member Wishneff and the City Manager for their attendance at the press conference for the annual kick-off of the Western Virginia Education Classic on Saturday, July 31, 2004, in Elmwood Park. He also expressed appreciation to Council Member Alfred T. Dowe, Jr., Director, of the Choir of Shiloh Baptist Church, who will present a gospel concert in conjunction with the event.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member McDaniel commended staff of the City's Housing and Neighborhood Services Department for the new Welcome Roanoke Program which began on July 1 and is designed to contact new homeowners in the City of Roanoke by providing them with a personalized greeting from City officials, information on local activities and information on how to access City services, etc. She advised that approximately 117 new homeowners have received the welcome package and welcome packages will be provided to the top 20 apartment owners in the area in an effort to reach occupants of rental properties.

CITY COUNCIL-RAIL SERVICE: Council Member Wishneff requested an update with regard to passenger rail service in the Roanoke area; whereupon, the City Manager advised that Dr. Robert Martinez, Senior Vice-President, Finance, Norfolk Southern, has agreed to serve as guest speaker at the Regional Leadership Summit which will be held on September 24, 2004, at 12:00 noon in Bedford, Virginia, at which time Dr. Martinez will provide an update on the intermodal transportation issue.

CITY COUNCIL-NEWSPAPERS-BICYCLISTS: Council Member Wishneff referred to an article written by Dan Kasey in a recent edition of *The Roanoke Times* in which he noted that if certain actions are taken by the City, the City of Roanoke could have a national quality dirt bike track; whereupon, he requested a response by the City Manager.

CITY COUNCIL-CITY EMPLOYEES: Council Member Wishneff expressed concern with regard to the City's application of the Family Leave Act, and requested a briefing at a future Council work session.

#### HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: The Reverend John Kepley, 2909 Morrison Street, S. E., advised that it has been over one year since 7,000+ citizens of the City of Roanoke signed a petition in favor of saving Victory Stadium and, for many, it has been a long and tedious year; however, it appears that some Members of City Council have not heard what the citizens of Roanoke have said; i.e. they want to save and to renovate Victory Stadium. He stated that the more than 7,000 people who signed the petition are good and reasonable people and they expect Council to do the good and reasonable thing which is to renovate Victory Stadium.

POLICE DEPARTMENT-SCHOOLS: Ms. Alice Hincker, 4024 South Lake Drive, S. W., spoke with regard to the proposed Geographic Policing Plan for the City of Roanoke Police Department. She stated that she attended the 9:00 a.m. Council briefing and left the meeting with numerous questions; however, her primary question is, if the Police Department is so concerned about expanding its community policing initiatives, why was the community not allowed to provide comment during planning discussions that have taken place biweekly since January. She advised that City officials would not discuss concerns of citizens with regard to potential negative affects of geographic policing on the School Resource Officer program; organizations that are concerned about the delivery of service in the schools requested that the School Resource Officer

program remain intact and be designated as a specialized unit, such as the K-9, or the proposed power shift units, as opposed to dividing the program between each of the zones that contain a school. She inquired if attendance zones will be redrawn to require that children will attend school in the same police zone in which they live. She stated that Police lieutenants are against placing the School Resource Officer program under the geographic policing system and other Police Departments that currently use geographic policing have advised against including School Resource Officers under geographic policing. She noted that a Sergeant in the School Resource Officer program is being punished for the role he played in bringing school safety issues to the attention of the community and with the impending onset of geographic policing, he has been permanently reassigned to the Delta Platoon which means that he will have no further involvement with the SRO program which he has supervised for many years. She stated that this retaliation against people who are bold enough to do the right thing must stop.

ARMORY/STADIUM-SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that School Resource Officer Butch Lewis should be reassigned to Patrick Henry High School where he is known by students and faculty and is familiar with the school campus.

He spoke in support of renovating Victory Stadium which has been a part of the Roanoke Valley for many years, and advised that a track facility could be constructed at one of the high schools and the field at Victory Stadium could be raised to alleviate flooding issues.

ARMORY/STADIUM: Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., spoke in support of renovating Victory Stadium. She advised that Council should provide the Stadium Study Committee with the necessary information to complete its assignment and then allow the Committee to make its recommendation(s) without interference by Council. She stated that Council Members were elected to represent the citizens of the City of Roanoke, citizens should be provided with the appropriate information to form good and enlightened opinions, and Council should then base its decisions on the wishes of the majority of Roanoke citizen's.

ARMORY/STADIUM-UTILITY LINE SERVICES-SCHOOLS: Mr. Winfred Noel, 2743 North View Drive, S. W., advised that he attended the Council's 9:00 a.m. work session at which time the utility cut proposal was reviewed by Council. He spoke in support of the proposed policy; however, the one quarter inch tolerance provision is unrealistic and the problem rests in follow up by the City to inspect utility cuts after pavement has settled.

He advised that the topics that were initially on the table regarding the stadium issue are Orange Avenue or Victory Stadium and not high school tracks, high school facilities, athletic needs and entertainment, etc; therefore, the Stadium Study Committee should study only Victory Stadium versus Orange Avenue because all other topics have been studied and the citizens of Roanoke have let their voices be heard.

COMPLAINTS-TAXES-ARMORY/STADIUM: Mr. Bob Caudle, 4231 Belford Street, S. W., offered his service as a member of the Stadium Study Committee. He spoke in favor of resolving the stadium issue once and for all and advised that if appointed to the Committee, he would support a detailed study on the practicality of renovating Victory Stadium.

COMPLAINTS-TAXES-ARMORY/STADIUM: Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the renovation of Victory Stadium, the manner in which taxpayers' money is spent, and the need to pay adequate wages to citizens in order to stimulate Roanoke's economy.

POLICE DEPARTMENT-SCHOOLS: Council Member Wishneff requested that the City Manager and the Chief of Police meet with the Acting Superintendent of Schools, school principals and key Parent-Teacher Associations to discuss the proposed Geographic Policing program; whereupon, the City Manager advised that a summit is scheduled to be held within the next two weeks with representatives of the Police Department and the School administration at which time the program will be presented in detail to all key administrative officials and Council will be provided with follow up information as a result of the summit.

### CITY MANAGER COMMENTS: None.

The Mayor declared the Council meeting in recess at 2:55 p.m., for a Closed session.

The Council meeting reconvened at 4:25 p.m., in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-FLOOD REDUCTION/CONTROL: The Mayor advised that the term of office of Kathy S. Hill as a member of the Flood Plain Committee expired on June 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Kathy S. Hill.

There being no further nominations, Ms. Hill was reappointed as a member of the Flood Plain Committee for a term ending June 30, 2005, by the following vote:

FOR MS. HILL: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris----7.

COMMITTEES-PARKS AND RECREATION: The Mayor called attention to vacancies on the Parks and Recreation Advisory Board, created by the resignations of S. James Sikkema and Onzlee Ware, for terms ending March 31, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Cutler placed in nomination the names of Christene A. Montgomery and Sharon L. Stinnette.

There being no further nominations, Ms. Montgomery was appointed to fill the unexpired term of S. James Sikkema and Ms. Stinnette was appointed to fill the unexpired term of Onzlee Ware, as members of the Parks and Recreation Advisory Board, for terms ending March 31, 2005, by the following vote:

FOR MS. MONTGOMERY AND MS. STINNETTE: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris----7.

COMMITTEES-FIFTH PLANNING DISTRICT COMMISSION: The Mayor advised there is a vacancy on the Roanoke Valley-Alleghany Regional Commission to fill the unexpired term of Ralph K. Smith, ending June 30, 2006; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of C. Nelson Harris.

There being no further nominations, Mr. Harris was appointed as a member of the Roanoke Valley-Alleghany Regional Commission, to fill the unexpired term of Ralph K. Smith, ending June 30, 2006, by the following vote:

FOR MR. HARRIS: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Dowe-----6.

(Mayor Harris abstained from voting.)

COMMITTEES-ARMORY/STADIUM: The Mayor opened the floor for nominations to the Stadium Study Committee; whereupon, Mr. Cutler placed in nomination the names of George C. Miller, Charles A. Price, Gwendolyn W. Mason, Gregory W. Feldmann, L. Thompson Hanes, Chad Van Hyning, Marsha Combs, David B. Trinkle, Kermit E. Hale, Sherley E. Stuart, Jan P. Wilkins, and John H. Parrott.

There being no further nominations, Mr. Miller, Mr. Price, Ms. Mason, Mr. Feldmann, Mr. Hanes, Mr. Hyning, Ms. Combs, Mr. Trinkle, Mr. Hale, Mr. Stuart, Mr. Wilkins and Mr. Parrott were appointed as members of the Stadium Study Committee by the following vote:

FOR MR. MILLER, MR. PRICE, MS. MASON, MR. FELDMANN, MR. HANES, MR. HYNING, MS. COMBS, MR. TRINKLE, MR. HALE, MR. STUART, MR. WILKINS AND MR. PARROTT: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

The Mayor announced that two additional members of the Stadium Study Committee will be appointed at the next regular meeting of Council on Monday, August 16, 2004, at 2:00 p.m.

There being no further business, the Mayor declared the meeting adjourned at 4:30 p.m.

APPROVED

ATTEST:

Mary F. Parker City Clerk C. Nelson Harris Mayor

### MINUTES OF ROANOKE CITY AUDIT COMMITTEE

### August 16, 2004

### 1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 1:37 p.m. on Monday, August 16, 2004, with Chair, Dr. M. Rupert Cutler, presiding.

### The roll was called by Mrs. England

**Audit Committee** 

Members Present: Dr. M. Rupert Cutler, Chair

Mayor C. Nelson Harris

Vice-Mayor Beverly T. Fitzpatrick, Jr. Alfred T. Dowe, Jr. (arrived late)

Brenda L. McDaniel Brian J. Wishneff

Others Present: Drew Harmon, Municipal Auditor

Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Ann Shawver, Deputy Director of Finance

George C. Snead, Jr., Asst. City Manager for Operations

Evelyn W. Powers, City Treasurer

Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor Cheryl Ramsey, Auditor

Doris England, Administrative Assistant

### 2. INTERNAL AUDIT REPORTS:

- A. Cash & Inventory Counts
- B. Civic Center Maintenance
- C. Code Enforcement
- D. Data Mining

Dr. Cutler ordered that internal audits A through D be received and filed. There were no objections from the committee. Dr. Cutler recognized Mr. Harmon for comments on all the audits.

Mr. Harmon asked for comments on the Cash & Inventory Counts audit. There were no comments from the audit committee members.

Mr. Fitzpatrick asked if the Civic Center audit was related to previous issues concerning contract labor. Mr. Harmon replied that it was not. This audit was

on Civic Center Maintenance and was a controls evaluation of maintenance. The auditors worked with Wilhemina Boyd, Director of Civic Facilities, and her staff on the agreed upon actions stated in the audit report. He explained that was why there was no response from Ms. Boyd in the report.

Dr. Cutler commented on the small size of the maintenance staff and asked Ms. Burcham to discuss the plans for restructuring the staff. Ms. Burcham replied that the subsidy to the Civic Center had been increased this (fiscal) year to accommodate additional maintenance and custodial staff needs. Further discussion disclosed that the previous Director of Civic Facilities, hired several years before Ms. Burcham's arrival at the city, was paid an annual salary with a bonus incentive to lower the annual subsidy. It was found that some corners had been cut, especially in the maintenance and custodial areas. Ms. Boyd was not hired under any such contract so that problem was eliminated. Ms. Burcham further stated that an outstanding young man had been hired to head the maintenance and custodial areas. He comes from Valley View Mall with much experience. He has done some maintenance and renovation work in one of the parlors at the Civic Center since he was hired, using in-house work forces rather than contractual labor. She feels the right person is in place, and several things needed now are procedural manuals, a solid inventory of the condition of assets, and a preventative maintenance program - not just doing repair and replacement of items. She feels Ms. Boyd is attuned to the issues and is being proactive, as evidenced in the seat replacement program. She said there will be significantly more investment in the infrastructure at the Civic Center in the next couple of years.

Dr. Cutler asked about the Event Business Management System (EBMS). Ms. Burcham explained that EBMS is a software system purchased several years ago that has never been fully implemented with all its different modules. Additional modules have been implemented this past year. The maintenance module is in the process of being implemented. She feels both the tools and personnel are now in place.

Dr. Cutler commented that it was easy to see why Victory Stadium was not maintained with only two electricians and a supervisor for both the Civic Center and Victory Stadium. Ms. Burcham commented that Victory Stadium did not come under Civic Facilities until July 1, 2000. Before that, it was the responsibility of Parks and Recreation.

Ms. Burcham stated that when the stadium was under the oversight of Parks and Recreation, there was no budget set aside for Victory Stadium. Beginning with fiscal year July 1, 2001, a budget was created for the stadium.

Mr. Wishneff asked how committee members could be assured that changes are implemented. Mr. Harmon replied that Municipal Auditing follows up on

outstanding findings every year. This year's follow-up audit has just been started and should be reported to the next audit committee meeting in October.

Dr. Cutler asked Mr. Harmon to comment on the Code Enforcement audit. Mr. Harmon said the audit had examined certain aspects of code enforcement and did not have any findings. He felt code enforcement was doing a good job with the resources that were in place. Mr. Wishneff asked if that was an editorial comment. Mr. Harmon said he would not imply that everyone in the City of Roanoke lived in a completely safe structure, but given our procedures and what we are allowed to do under the law, code enforcement does a good job.

Dr. Cutler asked if Ms. Burcham would review what had been done with code enforcement. Ms. Burcham explained that about half the code enforcement staff in 2000 had been paid out of community block grant funds (CDBG), which meant those inspectors had to concentrate their efforts in those lower-income areas of the city. Over a two-year period, all administrative positions were moved out of the CDBG funding with code enforcement being the first ones. The code inspectors are now unrestricted in their work areas and are cross trained so the same inspector can go out and identify a zoning violation and also address a rehabilitation or enforcement issue.

Ms. Burcham further explained that there are different levels of code enforcement. Initially, Roanoke focused on weeds, trash, and inoperable vehicles. She believes the city is now ready for the next level of code enforcement, dealing with exterior paint, gutters and roofs. Ms. Burcham will be meeting this week with the head of Housing and Urban Development out of Richmond and the head of the Virginia Department of Housing discussing ways to better partner with those agencies to address issues with Roanoke's older housing stock. Seventy-five percent of all housing in the city is valued at \$100,000 or less, and this needs to be addressed.

Dr. Cutler brought before the committee the Data Mining audit and asked Mr. Harmon to briefly explain what data mining is. Mr. Harmon clarified that data mining is looking at the universe of data, whether payables or vendor files, and not looking at one specific department, but across the whole organization. Audit software is used to isolate anomalies in data that can then be researched. Dr. Cutler asked if purchasing cards was an example and Mr. Harmon replied affirmatively.

### 3. UNFINISHED BUSINESS:

There was no unfinished business to come before the committee.

### 4. NEW BUSINESS:

- A. Municipal Auditing Annual Report June 30, 2004
- B. Audit Committee Annual Report June 30, 2004
- C. Municipal Auditing 2005 Annual Plan

Dr. Cutler presented the Annual Report of the Municipal Auditor and asked Mr. Harmon to comment. Mr. Harmon said he hoped the report was informative and explained how the auditing staff spends its time. It does not address the department's performance measures, but it does address what happened to the audits that were planned last year. Mr. Harmon then asked for comments from the committee members.

Dr. Cutler said Mr. Harmon had brought to his attention "Investigations," which is continued into fiscal year 2005, and includes negotiations and conversations with AEP about putting in electrical lines on Norfolk Avenue. Mr. Harmon clarified that this was the Carilion Roanoke Memorial Hospital flood reduction area, and explained that Municipal Auditing is making inquiries and working with AEP. Ms. Burcham further explained that this was a city initiative for the Riverside complex.

Dr. Cutler asked about the Commissioner of Revenue audit. Mr. Harmon stated he had used 85 hours on the audit, which he started in April. It had to be delayed due to the personal property rush of business for that office. He will soon get back to the audit, and it should be presented to the committee in October or December. Ms. Burcham stated this audit was timely because of the changes to the reimbursement from the State under the Personal Property Tax Relief Act (PPTRA). The State will establish the local share of the money budgeted for PPTRA in 2006 based on the assessment at that time. The city's assessment needs to be as complete as possible by 2006 because we will not be able to go back and correct it later.

Mr. Fitzpatrick expressed concern that when he was on Council before, there was some speculation that all was not being done to the extent that it should in the Commissioner of Revenue area. It is important that the audit provide Council with an accurate appraisal of the state of operations in the Commissioner of Revenue office.

Dr. Cutler ordered that items A and B be received and filed and to be included on the Consent Agenda at the next Council meeting. There were no objections from the committee.

Dr. Cutler ordered that item C be received and filed. There were no objections from the committee.

### 5. OTHER BUSINESS:

Dr. Cutler presented the Roanoke City Public Schools Engagement Letter to the committee. He ordered that the letter be received and filed. There were no objections from the committee.

### 6. ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:00 p.m.

M. Rupert Cutler, Chair

### MINUTES OF GREATER ROANOKE TRANSIT COMPANY AUDIT COMMITTEE

### August 16, 2004

### 1. CALL TO ORDER:

The meeting of the Greater Roanoke Transit Company Audit Committee was called to order at 1:30 p.m. on Monday, August 16, 2004, with Chair, Dr. M. Rupert Cutler, presiding.

### • The roll was called by Mrs. England

**Audit Committee** 

Members Present: Dr. M. Rupert Cutler, Chair

Mayor C. Nelson Harris

Vice-Mayor Beverly T. Fitzpatrick, Jr.

Brenda L. McDaniel Brian J. Wishneff

Others Present: Drew Harmon, Municipal Auditor

Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Ann Shawver, Deputy Director of Finance

George C. Snead, Jr., Asst. City Manager for Operations

Evelyn W. Powers, City Treasurer

Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor Cheryl Ramsey, Auditor

Doris England, Administrative Assistant

### 2. INTERNAL AUDIT REPORTS:

### A. Inventory Count

Dr. Cutler recognized Mr. Harmon for comments. Mr. Harmon stated that there were no issues with the audit. He had spoken with Dave Morgan, General Manager of GRTC, by telephone and told him he did not think it necessary for Mr. Morgan to attend the audit committee meeting. Mr. Harmon then asked for any questions from the committee. There were no questions or comments. The audit was approved to be received and filed.

Dr. Cutler said he and Mr. Harmon had discussed performing an audit at GRTC in fiscal year 2006. He recognized Mr. Harmon for comments. Mr. Harmon said that his office was the designated auditor(s) for the GRTC and there had been some time since the last audit. GRTC has its own accounting, human

resources, payroll, and maintenance facility. Mr. Harmon had spoken with Dave Morgan of GRTC and expressed his desire to audit that area in fiscal year 2006. There were affirmative comments from the committee members that the audit be planned for FY 2006.

Dr. Cutler asked Ms. Burcham if there was any change in the issue of moving the downtown bus depot. Ms. Burcham stated committee members should be getting a copy of the consultant's study in a couple weeks. She did relay that the consultant's study, based upon ridership, does not recommend the bus depot be moved. With the addition of the commuter SmartWay bus and a new restaurant being opened nearby, issues related to some individuals that frequent the bus depot, should improve.

Mr. Fitzpatrick commented that the SmartWay bus averages 45 riders each weekday and 90 on each weekend day, which is lower than needed to pay for itself. GRTC has been pleased with results to date.

Mr. Wishneff asked if bringing everybody into a central place was still a good idea. Ms. Burcham responded that the study indicates that some people come downtown to transfer, but some come downtown as a destination. Relocation could create an inconvenience for people who are transit dependent and a negative impact for those of the workforce who depend upon it.

### 3. UNFINISHED BUSINESS:

There was no unfinished business to come before the Committee.

### 4. NEW BUSINESS:

There was no new business to come before the Committee.

### 5. ADJOURNMENT:

There being no further business, the meeting was adjourned at 1:37 p.m.

M. Rupert Cutler, Chair



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

The Honorable C. Nelson Harris, Mayor
The Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Sherman P. Lea, Council Member
The Honorable Brenda L. McDaniel, Council Member
The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request for Public Hearing to Consider an Adjustment to the Annual Budget

### Background:

Each year, the year-end general fund balance and retained earnings for internal service fund and enterprise funds are appropriated for the funding of capital maintenance and equipment replacement (CMERP) and other necessary items. A council report recommending the appropriation of these additional funds is scheduled to be presented to Council on September 20, 2004.

Pursuant to Section 15.2-2507, Code of Virginia (1950), as amended, a locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the current adopted budget, however, any such amendment which exceeds one percent of the total expenditures shown in the adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by publishing a notice of a meeting and a public hearing.

### Recommended Action:

Authorize the City Clerk to schedule and advertise a public hearing on the above adjustment to the annual budget for September 20, 2004, at 7:00 p.m.

Respectfully submitted,

Darlene L. Burcham

City Manager

### DLB:acm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget

CM04-00150



### **DEPARTMENT OF HUMAN RESOURCES**

Noel C. Taylor Municipal Building 215 Church Avenue, SW, Room 207 Roanoke, Virginia 24011-1519 540.853.2231 www.roanokegov.com

September 1, 2004

Mary Parker, City Clerk 215 Church Ave., SW Roanoke, VA 24011

Effective July 3, 2004 Tamara S. Asher resigned from her employment with the City of Roanoke as a Major Crimes Detective with the Police Department. Therefore, she will not be accepting her reappointment as a member of the Personnel and Employment Practices Commission.

Sincerely,

Kenneth S. Cronin, Director

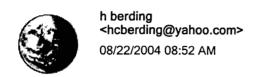
Dept. of Human Resources &

Secretary of the PEPC Committee

KSC:cyb

cc: Personnel File

**Attachment** 



To clerk@ci.roanoke.va.us

CC

bcc

Subject ##SPAM## resignation from committees

August 22, 2004

Mary Parker City of Roanoke Office of City Clerk clerk@ci.roanoke.va.us

Ms. Parker,

Due to a change in my employment, I will no longer be available to serve on the city's Flood Plain Committee nor the Feral/Domestic Cat Taskforce for the foreseeable future.

Please inform the people who chair these bodies, and let me know that they have been informed of my resignation due to my employment change.

Thank you.

Sincerely,

Herbert C. Berding, Jr.

Do you Yahoo!?

Yahoo! Mail Address AutoComplete - You start. We finish.

http://promotions.yahoo.com/new\_mail

----- SPAM SCORE BELOW ------

Spam Score = 7.2 (\*\*\*\*\*\*) NEW\_EXCLAM, NEW\_INCOMEBI, RCVD IN SORBS



GEORGE J. A. CLEMO

September 2, 2004

City Council City of Roanoke, Virginia Roanoke, Virginia

#### Gentlemen:

Our firm serves as bond counsel to the City in connection with certain school bond financings. On August 16, 2004, Council adopted a resolution (No. 36816-081604) authorizing the filing of an application to the Virginia Public School Authority (VPSA) for bond financing of \$1,300,000 for capital improvements at Lincoln Terrace Elementary School and authorizing publication of a notice for the public hearing required under the Public Finance Act before the bonds can be issued. The VPSA application was filed on August 25, 2004.

A notice of the public hearing scheduled for September 7 has been published once a week for two weeks in the *Roanoke Times*, and an affidavit of publication has been filed with the City Clerk.

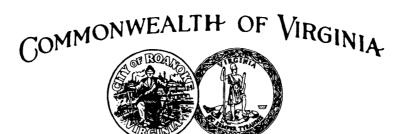
No action is required of Council on September 7, other than holding the public hearing. Once VPSA has provided us with the final debt service schedule for the bonds, we will submit a final bond resolution to Council for its consideration at a later Council meeting, probably in mid-to-late October, 2004.

Sincerely,

George J. A. Clemo

cc: William Hackworth, City Attorney

Richard L. Kelley, Assistant Superintendent, Roanoke City Schools



DONALD S. CALDWELL COMMONWEALTH'S ATTORNEY

AREA CODE 540 Tel. No. 853-2626 FAX 853-1201

### CITY OF ROANOKE

OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

### Roanoke City Council Regular Agenda Report

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Acceptance of the Roanoke City Victim Program Grant

### Background:

The Victim/Witness Assistance Program has been awarded a twelve month \$107,201 grant (#05-K8554VW04) for July 2004 through June 2005. The grant from the Department of Criminal Justice Services (DCJS) will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses in accordance with the Virginia Crime Victim and Witness Rights Act.

The Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full-time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court. A summary of FY 00-01, 01-02, 02-03 and 03-04 contacts documents the services of the program (see Attachment A).

The Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney.

### Considerations:

The cost to the City for Grant #05-K8554VW04 would be \$25,671 as a local cash match for a total grant budget of \$132,872. The local cash match is equal to that of FY 2003-2004. This local cash match is already included in the General Fund FY 2004-2005 adopted budget in the Transfer to Grant Fund Account.

### Recommendations:

Accept the Victim/Witness Grant #05-K8554VW04 of \$107,201 with the City of Roanoke providing \$25,671 as a local cash match from the monies provided in the Transfer to Grant Fund Account in the FY 04-05 budget for a total grant of \$132,872.

Authorize the City Manager to sign and execute all appropriate documents approved as to form by the City Attorney to obtain Grant #05-K8554VW04.

Appropriate funding of \$132,872 per Attachment B and increase the corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund.

Transfer \$25,671 from the General Fund Transfer to Grand Fund Account number 001-250-9310-9535 to the Grant Fund account established above.

Respectfully submitted,

Donald S. Caldwell

Commonwealth's Attorney

DSC:jls

pc:

Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk

Director of Community Development

Victim Witness Coordinator

# ATTACHMENT A Victim Witness Assistance Program Service Summary

	Service	FY 00-01	FY 01-02	FY 02-03	FY 03-04
1.	Total Victims Contacted	580	991	614	1218
2.	Total Witnesses Contacted	164	237	13	257
3.	Case Disposition, Case Status & Advance Notice of Proceedings	1,903	3,454	3,593	6,629
4.	Intercession Services with Schools, Employers, or Collection Agencies	9	18	30	43
5.	Crisis Intervention	37	41	49	107
5.	Referral and Assistance with the Criminal Injuries Compensation Fund	245	315	122	287
7.	Restitution Assistance	996	1,538	882	1,845
8.	Explanation of Steps in Criminal Justice System and Criminal Justice Process Options	802	1,336	581	1,498
9.	Courtroom Tours or Explanations	202	322	295	792
10.	Criminal Justice Process Support	360	489	415	988
11.	Notification Services & Explanation Regarding Prisoner Custody Status	56	94	54	138
12.	Protection Services & Explanations	268	277	305	632
13.	Appeal/Habeas Corpus Services	13	20	13	19
14.	Educational Brochures and Pre-Printed Information	1,537	2,592	2,850	5,454
15.	Amount of Restitution Collected	\$76,347	\$101,210	\$164,874	\$110,976
16.	Amount of Compensation Awarded to Victims from the Criminal Injuries Compensation Fund	\$72,217	\$106,432	\$78,028	\$59,275

Statistics listed on this page reflect some of the services being counted by the Victim Witness Program as required by the Department of Criminal Justice Services.

### ATTACHMENT B PROGRAM BUDGET

1002	Regular Employee Salaries	\$	94,006
1105	City Retirement	\$	5,935
1115	ICMA Retirement	\$	2,990
1116	ICMA Match	\$	1,950
1120	FICA	\$	7,921
1125	Medical Insurance	\$	10,494
1126	Dental Insurance	\$	697
1130	Life Insurance	\$	1,072
1131	Disability Insurance	\$	263
2020	Telephone	\$	960
2030	Administrative Supplies	\$	1,000
2042	Dues and Memberships	\$	75
2044	Training and Development	\$	2,526
2144	Business Meals and Travel	\$	1,018
2160	Postage	\$	1,620
7015	Management Services	<u>\$</u> _	345
	TOTAL	\$1	32,872



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

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September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Victim Witness Program Grant

CO04-0003

I concur with the recommendation from Donald S. Caldwell, Commonwealth Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council accept the Victim Witness Grant and authorize the City Manager to execute all appropriate documents.

Sincerely,

Darlene L. Burcham

City Manager

DLB:sm

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Victim Witness Program Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Regular Employee Salaries	035-150-5128-1002	\$ 94,006
City Retirement	035-150-5128-1105	5,935
ICMA Retirement	035-150-5128-1115	2,990
ICMA Match	035-150-5128-1116	1,950
FICA	035-150-5128-1120	7,921
Medical Insurance	035-150-5128-1125	10,494
Dental Insurance	035-150-5128-1126	697
Life Insurance	035-150-5128-1130	1,072
Disability Insurance	035-150-5128-1131	263
Telephone	035-150-5128-2020	960
Administrative Supplies	035-150-5128-2030	1,000
Dues and Memberships	035-150-5128-2042	75
Training and Development	035-150-5128-2044	2,526
<b>Business Meals and Travel</b>	035-150-5128-2144	1,018
Postage	035-150-5128-2160	1,620
Management Services	035-150-5128-7015	345
Revenues		
Victim Witness FY05 - State	035-150-5128-5130	107,201
Victim Witness FY05 - Local Match	035-150-5128-5131	25,671

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

(主) 14人 [1] 14人 4月年日

City Clerk.

The

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of a grant made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents in a form approved by the City Attorney.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- The City of Roanoke hereby accepts the offer made by the Commonwealth of Virginia
   Department of Criminal Justice Services of a grant in the amount of \$107,201 for Fiscal Year 2004 for a Victim/Witness Assistance Program.
  - 2. The local cash match for Fiscal Year 2004-05 shall be in the amount of \$25,671.
- 3. The City Manager is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the grant in a form approved by the City Attorney.
- 4. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice Services in connection with the acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk.



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Rescue Squad Assistance

Grant

### Background:

The Virginia Department of Health, Office of Emergency Medical Services administers a Rescue Squad Assistance Fund (RSAF) grant program that is awarded twice annually. Roanoke Fire-EMS applied in March 2004 for this grant in order to purchase a Ford Type III Ambulance and Training equipment. The training equipment will help the department meet the Commonwealth of Virginia Accreditation requirements.

In July 2004, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of \$40,982 for this project, requiring a \$53,155 local match. Sufficient matching funding for this grant is budgeted in two accounts as follows: \$44,595 in the Fleet Management Vehicular Equipment (017-440-2642-9010) account, and \$8,560 in the Local Match Funding for Grants (035-300-9700-5415) account.

### Considerations:

City Council action is needed to formally accept and appropriate these funds, and authorize the Director of Finance to establish revenue estimates and appropriate accounts to purchase the equipment and supplies in accordance with provisions of this grant.

The Honorable Mayor and Members of Council September 7, 2004 Page 2

### Recommended Action:

Accept the grant as described above and appropriate State grant funds of \$40,982 with a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund. Transfer the local match funding of \$53,155 from the Fleet Management Fund and the Local Match Funding for Grants Fund to the Grant Fund to be appropriated in the same account in the Grant Fund. Authorize the City Manager to execute any required grant agreements or documents, such to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

### DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief
Sherman M. Stovall, Director of Management and Budget
Daryl Frazier, Fleet Manager

#CM04-00143



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Rescue Squad Assistance Fund Grant, amending and reordaining certain sections of the 2004-2005 Fleet and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Fleet and Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Flee	t	H	uı	nd
				•

Appropriations		
Vehicular Equipment	017-440-2642-9010	\$ (44,595)
Transfer to Grant Fund	017-440-2641-9535	44,595
<b>Grant Fund</b>		
Appropriations		
Expendable Equipment (<\$5,000)	035-520-3560-2035	17,120
Vehicular Equipment	035-520-3560-9010	77,017
Revenues		
Rescue Squad Assistance Fund FY05-State	035-520-3560-3560	40,982
Rescue Squad Assistance Fund FY05-Local		
(Fleet Fund)	035-520-3560-3561	44,595
Rescue Squad Assistance Fund FY05-Local		
(Grant Fund)	035-520-3560-3562	8,560

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

TRS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of the Rescue Squad Assistance Fund

("RSAF") Grant made to the City of Roanoke by the Virginia Department of Health, Office of

Emergency Medical Services, and authorizing the execution and filing by the City Manager of

the conditions of the grant and other grant documents approved as to form by the City Attorney.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the offer made by the Virginia Department

of Health, Office of Emergency Medical Services, of the Rescue Squad Assistance Fund Grant in

the amount of \$40,982.00

2. The City Manager or the Assistant City Manager is hereby authorized to accept.

execute and file on behalf of the City any documents setting forth the conditions of Virginia

Department of Health, Office of Emergency Medical Services, RSAF Grant approved as to form

by the City Attorney.

3. The City Manager or the Assistant City Manager is further directed to furnish

such additional information as may be required by the Virginia Department of Health, Office of

Emergency Medical Services, in connection with the City's acceptance of the foregoing grant or

with such project.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council

Subject:

Acceptance of

Juvenile Accountability
Block Grant One Time
Special Funding Initiative
Funds from the Virginia
Department of Criminal

**Justice Services** 

### Background:

The City of Roanoke has received notification that an application for funds under the Juvenile Accountability Block Grant (JABG) One Time Special Funding Initiative has been reviewed and approved by the Virginia Department of Criminal Justice Services (DCJS). This funding will be used to provide equipment and supplies to a volunteer Task Force which has been established under the Director of Social/Human Services to consider the City of Roanoke's Comprehensive Strategy for Juvenile Offenders. The goal of this Task Force is to study the City of Roanoke's current system for juvenile offenders and make recommendations for a more comprehensive and appropriate response to juvenile offender needs.

### Considerations:

The approved amount of JABG One Time Special Funding (\$8,333) is available on a reimbursement basis only. These funds must be expended or obligated during the award period between September 1 and December 31, 2004.

Honorable Mayor and Members of City Council September 7, 2004 Page 2

Recommended Action(s)

Adopt a resolution accepting the \$8,333.00 in JABG Special One Time Funding from the Virginia Department of Criminal Justice Services,

Application Number 04-JB0T-28, for the City of Roanoke's Comprehensive Strategy for Juvenile Offenders.

Authorize the City Manager to execute the required Grant Acceptance, and any other forms required by the Department of Criminal Justice Services in order to accept these funds.

Appropriate \$8,333 in accounts to be established by the Director of Finance in the Grant Fund as detailed in Attachment A. Adopt a revenue estimate of the same amount.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:tm

Attachment

C: Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Sherman M. Stovall, Director of Management and Budget Jim O'Hare, Acting Juvenile Justice Administrator Jane Conlin, Director of Human/Social Services Rolanda B. Russell, Assistant City Manager for Community Development

#CM04-00153

### Attachment A:

JABG Special One Time Funding 2004 Account Set-up Transactions

Account No.	Description	Amount
	Revenue 2004 JABG	\$8,333.00
	Special One Time	
	Funding Initiative	
	Total Revenue	\$8,333.00
Expenditures:		
2030	Administrative Supplies	\$3,670.00
2035	Equipment	\$4,663.00
	Total Expenditures	\$8,333.00



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Juvenile Accountability Block Grant One Time Special Funding Initiative, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Administrative Supplies	035-630-5062-2030	\$ 3,670
Expendable Equipment (<\$5,000)	035-630-5062-2035	4,663
Revenues		
JABG - One Time Special Funding -State	035-630-5062-5067	8,333

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

### ATTEST:

City Clerk.

PLC

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of Juvenile Accountability Block Grant One Time Special Funding Initiative funds from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The Juvenile Accountability Block Grant One Time Special Funding Initiative funds from the Virginia Department of Criminal Justice Services, in the amount of \$8,333.00, as set forth in the City Manager's letter, dated September 7, 2004, to this Council are hereby ACCEPTED.
- 2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these grant funds, and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Subject: FY 2004-2006 Local Law Enforcement

Block Grant Number 2004-LB-BX-0308

Dear Mayor Harris and Members of Council:

### Background:

Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) for the period of October 1, 2004 through September 30, 2006. The grant will be administered by the Bureau of Justice Assistance and the U.S. Department of Justice. The purpose of the LLEBG program is to provide funds to units of local government to underwrite projects designed to reduce crime and improve public safety. Roanoke has been awarded LLEBG grant funds of \$51,017. Grant conditions require a local match amount of \$5,669 for a program total of \$56,686. The award is significantly less than awards in prior years due to budget cuts to the program; however, this award renews Roanoke's LLEBG grant program for the eighth consecutive year.

These grant funds must be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel and (2) procuring equipment, training and other materials directly related to basic law enforcement functions. Police bicycle patrol, directed at specific/problem areas or neighborhoods, will be continued through this program.

Grant funds become available only after a public hearing has been conducted by City Council and an LLEBG program advisory committee meeting has been conducted by the Police Department. The public hearing and LLEBG advisory committee meeting must be conducted prior to October 13, 2004.

Honorable Mayor and Members of Council September 7, 2004 Page 2

### Considerations:

The LLEBG Program requires that all grant funds (\$51,017) be placed in an interest bearing account. Based on interest earned during the past year of LLEBG funding, interest earnings of \$750 are anticipated for this grant. The local cash match of \$5,669 is available in the Police Department's State Asset Forfeiture account.

### Recommended Action:

Accept the Local Law Enforcement Block Grant (LLEBG) of \$51,017 from the Bureau of Justice Assistance with the Police Department providing \$5,669 as a local cash match from State Asset Forfeiture account number 035-640-3302-2149, and \$750 in anticipated interest earnings. Authorize the City Manager to execute the grant agreement and any related documents, subject to them being approved as to form by the City Attorney.

Appropriate funding of \$57,436 per the following and establish corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund:

 Overtime
 \$53,354

 FICA
 4,082

 Total
 \$57,436

Respectfully submitted,

Tucham)

Darlene L. Burcham City Manager

### DLB:mds

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
A. L. Gaskins, Chief of Police

CM04-00157



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funds for the Local Law Enforcement Block Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Overtime Wages	035-640-3552-1003	53,354
FICA	035-640-3552-1120	4,082
Revenues		
Law Enforcement Block Grant 04-06 Federal Grants	035-640-3552-3554	51,017
Law Enforcement Block Grant 04-06 Local Match	035-640-3552-3555	5,669
Law Enforcement Block Grant 04-06 Interest	035-640-3552-3556	750

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

### ATTEST:

City Clerk.

TIS

IN THE COUNCIL OF THE CITYOF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Local Law Enforcement Block Grant

offer made by the Bureau of Justice Assistance and authorizing the execution of any required

documentation on behalf of the City, in a form approved by the City Attorney.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke accepts the offer made to the City by the Bureau of Justice

Assistance of the Local Law Enforcement Block Grant in the amount of \$51,107, such grant

being more particularly described in the letter of the City Manager, dated September 7, 2004,

upon all the terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager and the City Clerk are hereby authorized to execute, seal and

attest, respectively, the grant agreement and all necessary documents required to accept this

grant, all such documents to be approved as to form by the City Attorney.

3. The City Manager is further directed to furnish such additional information as

may be required by the Bureau of Justice Assistance in connection with the City's acceptance of

this grant.

ATTEST:

City Clerk



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council,

Subject:

Funding for Western Virginia Workforce

Development Board Work-Force Investment Act WIA)

**Programs** 

### Background:

The City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, City Council must appropriate the funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs. The Western Virginia Workforce Development Board administers the federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the cities of Covington, Roanoke, and Salem.

WIA funding is for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U.S. Department of Labor;
- Youth who are economically disadvantaged, or who have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

Honorable Mayor and Members of City Council September 7, 2004 Page 2

The Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission allocating \$77,857 for the Adult Program, which serves economically disadvantaged persons; and \$113,884 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own; and \$192,069 for the Youth Program, which serves economically disadvantaged youth, in Program Year 2004 (July 1, 2004 – June 30, 2006).

Additionally, the Western Virginia Workforce Development Board has received an NOO from the Virginia Employment Commission adjusting the allocation for Program Year 2003 (July 1, 2003 – June 30, 2005) which decreases the Adult Program allocation by \$2,374 and increases the Dislocated Worker Program by \$70.

#### Considerations:

- Program Operations Existing activities will continue and planned programs will be implemented.
- Funding Funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.

#### Recommendations:

Appropriate the Western Virginia Workforce Development Board Workforce Investment Act funding of \$383,810 and establish corresponding revenue estimates in accounts established in the Grant Fund by the Director of Finance.

Decrease Program Year 2003 Adult Program appropriations and revenue accounts by \$2,374 and increase Program Year 2003 Dislocated Worker Program appropriations and revenue accounts by \$70.

Respectfully submitted,

Darlene L. Búrcham

City Manager

Honorable Mayor and Members of City Council September 7, 2004 Page 3

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Bruce M. Wood, Executive Director, Western Virginia Workforce
Development Board
Jane R. Conlin, Director of Human Services
Rolanda B. Russell, Assistant City Manager for Community Development

#CM04-00149



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the FY05 Workforce Investment Act Grant and to de-appropriate funding for the FY04 Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Contractual Services	035-633-2301-8057	(231)
Contractual Services	035-633-2302-8057	(2,136)
Contractual Services	035-633-2305-8057	63
Wages	035-633-2310-8050	26,415
Telephone	035-633-2310-8090	386
Leases	035-633-2310-8058	2,160
Travel	035-633-2310-8052	963
Supplies	035-633-2310-8055	942
Marketing	035-633-2310-8053	1,178
Contractual Services	035-633-2310-8057	5,353
Equipment	035-633-2310-8059	428
Insurance	035-633-2310-8056	749
Fees For Professional Services	035-633-2310-2010	107
Wages	035-633-2311-8050	3,306
Telephone	035-633-2311-8090	47
Leases	035-633-2311-8058	265
Travel	035-633-2311-8052	118
Supplies	035-633-2311-8055	78
Marketing	035-633-2311-8053	144
Contractual Services	035-633-2311-8057	65,955
Equipment	035-633-2311-8059	53
Insurance	035-633-2311-8056	92
Fees For Professional Services	035-633-2311-2010	13
Wages	035-633-2312-8050	4,451
Telephone	035-633-2312-8090	64
Leases	035-633-2312-8058	356
Travel	035-633-2312-8052	159
Supplies	035-633-2312-8055	106

Marketing	035-633-2312-8053	194
Contractual Services	035-633-2312-8057	96,955
Equipment	035-633-2312-8059	71
Insurance	035-633-2312-8056	123
Fees For Professional Services	035-633-2312-2010	17
Wages	035-633-2313-8050	4,197
Telephone	035-633-2313-8090	59
Leases	035-633-2313-8058	335
Travel	035-633-2313-8052	150
Supplies	035-633-2313-8055	100
Marketing	035-633-2313-8053	183
Contractual Services	035-633-2313-8057	115,779
Equipment	035-633-2313-8059	67
Insurance	035-633-2313-8056	116
Fees For Professional Services	035-633-2313-2010	17
Wages	035-633-2314-8050	1,986
Telephone	035-633-2314-8090	28
Leases	035-633-2314-8058	159
Travel	035-633-2314-8052	71
Supplies	035-633-2314-8055	48
Marketing	035-633-2314-8053	87
Contractual Services	035-633-2314-8057	49,385
Equipment	035-633-2314-8059	32
Insurance	035-633-2314-8056	55
Fees For Professional Services	035-633-2314-2010	8
Revenues		
Workforce Investment Act Grant FY04	035-633-2301-2301	(2,304)
Workforce Investment Act Grant FY05	035-633-2311-2311	383,810

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Virginia Commonwealth University, VISSTA Subaward Agreement

#### Background:

The Virginia Institute for Social Service Training Activities (VISSTA) program provides valuable training classes for local Department of Social Services staff, including social workers, eligibility workers, their supervisors and administrative staff. They also provide training for local Department of Social Services approved or state licensed child care providers. These training events enhance the knowledge and skills of these staff and child care providers, such that vulnerable children, adults and families are effectively assisted in obtaining an appropriate level of safety and self-sufficiency.

The Virginia Department of Social Services grants funds to Virginia Commonwealth University (VCU) for the operation of five VISSTA Area Training Centers throughout the Commonwealth. The City of Roanoke Department of Social Services has received an annual sub-award for the local supervision and operation of the Piedmont Area Training Center since 1998.

#### Considerations:

The current budget for this program is \$344,000. The actual sub-award amount is \$401,691, which includes funding for an additional training assistant position that is needed due to the Virginia Department of Social Services Policy Training

Honorable Mayor and Members of City Council September 7, 2004 Page 2

being added to VISSTA's responsibilities. This sub-award is issued on a cost reimbursable basis.

#### Recommended Action:

Authorize the City Manager or her designee to accept the \$401,691 sub-award from VCU, and to execute the Sub-award Agreement and any other required documents. All documents shall be upon form approved by the City Attorney.

Authorize the Director of Finance to increase the revenue estimate for VISSTA (001-110-1234-0671) by the amount of \$57,691 and appropriate funding to the following accounts:

001-630-5318-2020 (VISSTA Telephone)	\$2,000
001-630-5318-2075 (VISSTA Printing)	2,000
001-630-5318-2160 (VISSTA Postage)	1,500
001-630-5318-2066 (VISSTA Program Activities)	18,932
001-630-5318-1002 (Regular Employee Salaries)	25,363
001-630-5318-1120 (FICA)	1,940
001-630-5318-1105 (City Retirement)	2,283
001-630-5318-1125 (Hospitalization Insurance)	3,300
001-630-5318-1130 (Life Insurance)	289
001-630-5318-1131 (Disability Insurance)	84
•	\$57,691

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB:tem

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Jane R. Conlin, Director of Human/Social Services
Susan Gaylor, Supervisor, VISSTA Piedmont Area Training Center
Rolanda B. Russell, Assistant City Manager for Community Development



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Virginia Institute for Social Service Training Activities (VISSTA), amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Regular Employee Salaries	001-630-5318-1002	\$ 25,363
City Retirement	001-630-5318-1105	2,283
FICA	001-630-5318-1120	1,940
Hospital Insurance	001-630-5318-1125	3,300
Life Insurance	001-630-5318-1130	289
Disibility Insurance	001-630-5318-1131	84
Telephone	001-630-5318-2020	2,000
Program Activities	001-630-5318-2066	18,932
Printing	001-630-5318-2075	2,000
Postage	001-630-5318-2160	1,500
Revenues		
VISSTA	001-110-1234-0671	57,691

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

M

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to execute a subaward agreement with

Virginia Commonwealth University for local supervision and operation of the Virginia Institute for

Social Service Training Activities ("VISSTA") Piedmont Area Training Center, upon certain terms

and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The subaward agreement with Virginia Commonwealth University for local

supervision and operation of the VISSTA Piedmont Area Training Center, in the amount of

\$401,691.00, as set forth in the City Manager's letter, dated September 7, 2004, to this Council is

hereby ACCEPTED.

2. The City Manager, or her designee, is hereby authorized to execute any and all

requisite documents pertaining to the City's acceptance of these grant funds, and to furnish such

additional information as may be required in connection with the City's acceptance of these subgrant

funds. All documents shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-VISSTA.090704.WPD



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Solid Waste Management Plan

#### Background:

On August 1, 2001, the Virginia Waste Management Board of Regulations issued document SNR.DEQ014 which required every municipality or region to put together an updated Solid Waste Management Plan. This plan was to be presented to the Department of Environmental Quality on or about July 1, 2004.

The Virginia Department of Environmental Quality facilitates solid waste management planning throughout the state. Such planning efforts are useful in tracking and managing solid waste, promoting recycling and preventing long term problems such as soil and water contamination. City Council adopted Roanoke's first and only Solid Waste Management Plan in 1991 by the adoption of Resolution No. 30-06-19. The goals of that plan have, to a large degree, been met.

The Virginia Code authorizes the Solid Waste Management Board to promulgate regulations relating to the management of solid waste. Such regulations, require that all Plans be submitted to DEQ for approval. City staff has led the development of a draft SWM Plan for the City of Roanoke. The final draft of this plan, for which the Vision comprehensive plan has provided guidance, accounts for a number of changes that Roanoke's SWM

Honorable Mayor and Members of Council September 7, 2004 Page 2

Division has instituted in recent years. It also acknowledges Roanoke's excellent recycling rate which exceeds the state-mandated 25% threshold. On August 16, 2004, city council held a public hearing at which public comment on the Plan was solicited. No comments were made by the public at that time.

You have previously received a copy of the Executive Summary. If you would like to review the plan in its entirety, a copy will be available in the City Clerk's office.

#### Recommended Action:

City Council adopt the city of Roanoke's Solid Waste Management Plan and authorize its submittal to the Virginia Department of Environmental Quality for approval.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:sd/mc

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

CM04-00156



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION regarding the adoption of a Solid Waste Management Plan for the City of Roanoke.

WHEREAS, Section 10.1-1402 of the Code of Virginia (1950), as amended ("Virginia Code"), authorizes the Virginia Waste Management Board ("Board") to promulgate and enforce such regulations as may be necessary to carry out its duties and powers under the Virginia Waste Management Act and related federal acts;

WHEREAS, the Board requires each city, county, and town to develop a comprehensive and integrated Solid Waste Management Plan ("Plan") that, at a minimum, considers all components of the following hierarchy: (1) source reduction, (2) reuse, (3) recycling, (4) resource recovery (waste-to-energy), (5) incineration, (6) landfilling, and (7) plan implementation;

WHEREAS, after public participation, City Council adopted a Plan for the City of Roanoke, Virginia, on July 8, 1991, by the adoption of Resolution No. 30619-70891;

WHEREAS, because the goals of the Plan adopted in 1991 have, to a large degree, been met, the City Administration has proposed a new Plan; and

WHEREAS, pursuant to 9 VAC 20-130-130 of Chapter 130, Regulations for the Development of Solid Waste Management Plans, of the Virginia Administrative Code (2004), as amended, City Council held a public hearing on August 16, 2004, to receive public comments on the proposed Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke:

1. That this Council hereby approves the Plan as more particularly described in the City Manager's letter dated September 7, 2004, to City Council; and

2. That the City Manager is authorized to submit the Plan to the Virginia Department of Environmental Quality for approval and to take such actions and execute such documents as are required to implement the Plan which is more particularly described in the City Manager's letter dated September 7, 2004, to City Council.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: VDOT Project Resolution

#### Background:

The Virginia Department of Transportation ("VDOT") requires the City's support by resolution of a project for the project to be added to the State's Six-Year Improvement Program ("SYIP"). The recent federal award of \$497,050 for the improvement of the First Street Bridge in Roanoke needs to be added to the State's Six-Year Improvement Program (SYIP); therefore, City Council must endorse the project for VDOT to program the project and make these funds available for expenditure on this project. Approval of this resolution must include the City's agreement to pay the 20% match to the federal funds and to reimburse VDOT for the total amount of the costs expended by VDOT, if the City subsequently elects to cancel the project.

#### Recommended Action:

Adopt a resolution endorsing the improvement of the First Street Bridge, agreeing to pay the 20% match to the federal funds, and agreeing to reimburse VDOT for the total amount of the costs expended by VDOT, if the City subsequently elects to cancel the project, and authorizing the City Manager to enter into any and all necessary agreements with applicable federal and state agencies to complete this project, such agreements to be approved as to form by the City Attorney.

Respectfully submitted.

Darlene L. Burcham

City Manager

Honorable Mayor and Members of City Council September 7, 2004 Page 2

## DLB/KHK

Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Sherman M. Stovall, Director of Management and Budget Robert K. Bengtson, P.E., Director of Public Works Kenneth H. King, P.E., Manager, Division of Transportation

CM04-00152



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Virginia Department of Transportation establish an urban system highway project for improvements to the First Street Bridge.

WHEREAS, in accordance with the Virginia Department of Transportation ("VDOT") construction allocation procedures, City Council must request by resolution an urban highway project in the City of Roanoke before such project may be included in VDOT's Six-Year Improvement Program.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City hereby endorses and requests that VDOT establish an urban system highway project for improvements to the First Street Bridge, such improvements being more particularly described in the City Manager's letter dated September 7, 2004, to City Council;
  - 2. The City agrees to pay a twenty per cent (20%) match to the federal funds;
- 3. If the City subsequently elects to cancel this project, the City shall reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation;
- 4. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, all necessary and appropriate agreements with VDOT providing for the programming of such project, such agreements to be in such form as is approved by the City Attorney; and
  - 5. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

#### ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: 2004-2005 CDBG- and HOMEfunded Agreement with the Roanoke Redevelopment and Housing Authority (RRHA)

### Background:

Historically, the RRHA has administered a variety of housing programs for the City using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds. On May 13, 2004, City Council authorized the RRHA's 2004-2005 housing activities by Resolution No. 36695-051304, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U.S. Department of Housing and Urban Development (HUD). City Council accepted the 2004-2005 CDBG and HOME funds on June 21, 2004, by Budget Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending approval from HUD. The grant agreements with HUD have since been signed.

#### Considerations:

In order for the RRHA to conduct the housing activities approved in the Consolidated Plan, City Council's authorization to execute an agreement with the RRHA is needed. Necessary CDBG and HOME funding is available in the accounts listed in Attachment A of the Agreement, a draft of which is included with this report. Under the agreement a total of \$721,930.00 is being provided to the RRHA for owner- and tenant-occupied housing rehabilitation activities. These

The Honorable Mayor and Members of Council September 7, 2004
Page 2

activities will primarily serve Gainsboro, which, along with the Gilmer area, are the next neighborhoods to receive targeted CDBG and HOME funding. The agreement provides that limited repair services for the elderly and emergency assistance may be provided to both neighborhoods. The Agreement contains a mutual indemnification clause in which both parties agree to indemnify the other for damages and expenses incurred as a result of the other party's conduct. The effect of the clause is that, in certain circumstances, the City would be waiving its defense of sovereign immunity.

#### **Recommended Action:**

Authorize the City Manager to execute the 2004-2005 CDBG/HOME Agreement with the RRHA, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:fb

#### Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Frank E. Baratta, Budget Team Leader

CM04-00148

# **AGREEMENT**

This Agreement is made and entered into this first day of July, 2004, by and between the following parties:

The Grantee City of Roanoke, Virginia

215 Church Avenue, S.W. Roanoke, Virginia 24011

The Subgrantee City of Roanoke Redevelopment

and Housing Authority 2624 Salem Turnpike, N.W. Roanoke, Virginia 24017

#### WITNESSETH:

WHEREAS, by Resolution No. 36695-051304, the Roanoke City Council approved the 2004/2005 Annual Update to the Consolidated Plan for submission to the U.S Department of Housing and Urban Development (HUD), including the Subgrantee's 2004/2005 activities to be assisted with Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; and

WHEREAS, by Resolution No. 36720-062104 and by Ordinance No. 36719-062104, the Roanoke City Council accepted and appropriated the 2004/2005 CDBG and HOME funds; and

WHEREAS, by Resolution No. \_\_\_\_\_-090704, Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee;

NOW, THEREFORE, the parties hereto mutually agree as follows:

#### 1. **SCOPE OF SERVICES:**

a. General – The services to be performed by the Subgrantee under this Agreement shall have as their purpose the rehabilitation of housing to benefit eligible homeowners (or, where authorized, the rehabilitation or construction of housing to benefit homebuyers), as described below. This general scope of services shall be accomplished through a combination of CDBG and HOME funding provided by the Grantee and other funds secured by the Subgrantee.

The Subgrantee shall administer the housing programs briefly described below in accordance with guidelines developed by the Subgrantee in consultation with and acceptable to the Grantee, and incorporated herein by reference. These guidelines may be modified by mutual agreement of the Grantee and the Subgrantee.

General responsibilities of the Subgrantee shall include: marketing and outreach; receiving and processing applications, including packaging loan applications for supplemental funding sources;

overseeing construction/rehabilitation work; holding deeds of trust, covenants and/or homeowner grant agreements specific to this Agreement; monitoring completed projects; and such other services as may be appropriate to comply with applicable federal regulations.

The Subgrantee shall provide all personnel required to perform the services under this Agreement, within the limits of funding provided. Such personnel shall not be employees of or have any contractual relationship with the Grantee. All of the services required hereunder will be performed by the Subgrantee or under its supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

b. Special Needs Program -- The Subgrantee shall conduct the Critical Assistance Repair for the Elderly (CARE) and Quick Response to Emergencies (Quick Response) activities in the Gainsboro, Gilmer and Southeast neighborhoods of the City. Both programs shall use the funds provided by the Grantee to offer grants for non-cosmetic, emergency home repairs. CARE shall be specifically targeted to very-low-income, at-risk and frail elderly homeowners, and shall be conducted in coordination with the Local Area Agency on Aging. At least 50% and at least 40% of the project funds provided for the Special Needs Program shall assist homeowners in the Gainsboro and Gilmer neighborhoods, respectively; not more than 10% of the project funds may assist homeowners in the Southeast neighborhoods. The costs of lead paint and other environmental assessments related to homes assisted under the Special Needs Program shall be charged to the project funds made available for this Program. (Note: "Rental Rehabilitation" is not authorized under this program.)

Performance Factors: The Grantee has estimated from average cost data for the prior year of operations of these activities that as many as 16 units could be assisted with the project funds made available under this Agreement.

c. Project GOLD ("Gainsboro Opportunities Leveraging Development") – In a manner consistent with the Gainsboro Neighborhood Plan, and in coordination with the Blue Ridge Housing Development Corporation, the Subgrantee shall conduct housing enhancement activities in the Gainsboro neighborhood of the City. Such housing activities may include the rehabilitation of existing owner-occupied or rental housing. Activities may also include the installation of infrastructure related to the housing being assisted. Other housing activities, such as property acquisition, new infill housing construction or other homebuyer assistance shall be undertaken only upon the Grantee's written authorization. The CDBG and HOME funds provided by the Grantee under this Agreement for these activities may be offered in the form of direct financial assistance to eligible individuals in such form or forms (e.g. grants, active or deferred loans, or other allowable forms of assistance) as are mutually agreeable to the Grantee and the Subgrantee, and may be combined with financing provided by other public or private agencies or institutions. All units assisted with HOME funds shall conform to standard HOME project set-up procedures and documentation. In conducting its housing activities, the RRHA shall endeavor to keep the Gainsboro Steering Committee informed of its plans and progress, and consider the advice and assistance of the Committee regarding project implementation.

Performance Factors: The Grantee has estimated from average owner-occupied rehabilitation cost data from the prior years that as many as 8 units could be assisted with the project funds made available under this Agreement.

- d. Other Services -- The Subgrantee shall provide management, fiscal services and such other general administrative support as may be required to ensure satisfactory completion of the activities listed in the Scope of Services. Additionally, the Subgrantee shall provide the following:
  - (1) <u>Contractor Procurement</u> -- The Subgrantee shall obtain contractors for needed rehabilitation or new construction services according to its standard, written procurement procedures, ensuring that all such contractors comply with applicable HUD regulations, including those relating to lead-based paint. With respect to owner-occupied rehabilitation assistance, procurement procedures will offer beneficiaries opportunities to select from among the various contractors available while maintaining a competitive selection process.
  - (2) <u>Servicing of Prior-Year Loans</u> -- The Subgrantee shall continue to service outstanding active, deferred and/or forgivable loans it made in previous years, as appropriate and in accordance with guidelines of the specific programs, including contacting parties delinquent in payments in a reasonable effort to avoid foreclosure. Where delinquencies persist, the Subgrantee shall institute appropriate collection procedures including foreclosures. The Subgrantee shall maintain and protect properties on which it has foreclosed and, in consultation with the Grantee, shall arrange for resale, assumption of loan, or other disposition of the property.
  - (3) Single-Family Mortgage Loan Program Debt Service/Loan Loss Reserve Funds -- To promote more effective and efficient administration, during the 1998/99 period, the Subgrantee obtained private financing to buy-out the series of mortgage revenue bonds it issued from 1981 to 1993 and retained all remaining CDBG debt service and loan loss reserve funds previously provided by the Grantee to secure the mortgage revenue bonds. The CDBG funds retained shall continue to be used by the Subgrantee for debt service and loan loss reserve purposes with respect to the private financing obtained to buy-out the original bonds. On or before June 30 of each year, the Subgrantee shall report outstanding principal balances of loans made under the Single-Family Mortgage Loan Program and the amount of CDBG funds remaining in the debt service and loan loss reserve. Upon satisfaction and/or termination of all loans made under the program, the Subgrantee shall return to the Grantee any CDBG debt service and loan loss reserve funds remaining. Any such funds returned shall be classified as "program income" to the Grantee's CDBG program.
- e. <u>Eligible Homeowner/Homebuyer</u> -- Except as otherwise provided, for the purposes of this Agreement, "eligible homeowner/homebuyer" shall mean a family whose income, adjusted for family size, does not exceed 80% of the area median income established by HUD and in effect at the time the family applies for assistance. In the event that homeownership assistance is authorized, the eligible family must be purchasing the home for use as its principal residence. The Subgrantee shall prepare, and retain with records of the project, documentation of its determination of each eligible family's size and income. Such documentation shall include the name, age, and the sources and estimated amount of income anticipated for the succeeding twelve months for each individual related by birth, marriage or adoption living in the same household at the time of the determination. (Note: In the event that any rental rehabilitation activities are approved, all tenants shall be eligible families and rents shall be controlled through covenants or other deed restrictions conforming to the HOME regulations.)
- f. <u>Allowable Expenditures</u> -- CDBG funds provided by the Grantee under this Agreement shall be used by the Subgrantee solely for the costs associated with rehabilitation of existing owner-occupied housing. In accordance with HOME affordability requirements, HOME funds may be used for rehabilitation of

existing owner-occupied housing and, where authorized, rehabilitation and/or new construction for homeownership. Subject to these general limitations, funds under this Agreement may be expended for any necessary, reasonable and allowable CDBG or HOME costs, including, but not necessarily limited to construction labor and materials, including the costs of related infrastructure, title and recording, counsel's fees, property appraisal, surveying, taxes, or extermination and inspection. Absent prior approval of the Grantee's Department of Management and Budget, the Subgrantee shall not use funds provided under this Agreement to acquire (1) any nonexpendable personal property, including equipment, (2) any real property, or, where property acquisition is authorized, at a price exceeding the value determined through appraisal, city assessment or other appropriate method or (3) acquire any property that is or would be occupied by legal tenants after the initial acquisition contact with the owner. Under no circumstances shall funds be expended for liens, fines or penalties associated with any property acquired or to be acquired. The maximum amount of HOME funds which may be expended to assist a unit shall comply with the limits specified in section 11.a. below.

- g. <u>Period of this Agreement</u> -- This Agreement shall be effective as of July 1, 2004, and, unless amended, shall end June 30, 2005.
- h. <u>Budget</u> -- CDBG and HOME funds to be provided by the Grantee under this Agreement shall be as detailed in Attachment A. The Subgrantee shall not, without prior written approval from the Grantee, exceed the total funding allocated to an account nor the amount allocated to a category (i.e. "project"; "support"; "administration") within an account. Further, any amounts designated to support HOME activities shall be expended solely for this purpose. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG or HOME projects, as appropriate. The commitment of funds by the Grantee to this Agreement shall not be construed as a commitment by the Grantee to provide further funding to this project.
- i. <u>HOME Match</u> -- HOME funds must be matched in accordance with the requirements of 24 CFR 92.218 through 92.222. The Grantee shall be responsible for identifying and ensuring crediting of matching funds required pursuant to this Agreement. To assist the Grantee in meeting the requirement, the Subgrantee shall report regularly to the Grantee all activities which may be credited as HOME match.

#### 2. REQUESTS FOR DISBURSEMENTS OF FUNDS:

- a. Disbursement of funds under this Agreement shall not be requested until the funds are needed for payment of eligible costs. The amount of each disbursement request must be limited to the amount needed.
- b. CDBG Disbursements -- By the seventh working day of each month, the Subgrantee shall submit to the Grantee's Department of Management and Budget an advance request and reconciliation, in form and content satisfactory to the Grantee. Cash advances shall be reasonably estimated and itemized; excess advances will not be allowed. Cash advances will be recorded as Accounts Receivable due from the Subgrantee. The Subgrantee's reconciliation will indicate actual expenditures incurred and not previously reported, which will be deducted from the Accounts Receivable balance due from the Subgrantee. Advance requests that are properly documented, including reconciliations and timely receipt of the monthly reports described in section 8 below, will normally be disbursed by the Grantee within ten (10) working days. No cash advances shall be made to the Subgrantee in the absence of

proper documentation and monthly reports. Funds should, in turn, normally be disbursed by the Subgrantee within ten (10) working days of receipt of the advance. Monthly financial status reports issued by the Grantee's Director of Finance shall be reviewed by the Subgrantee and any discrepancies reported in writing within ten (10) working days of receipt of the reports.

- c. HOME Disbursements -- Requests for funds shall be submitted to the Grantee's Department of Management and Budget and shall include copies of the HOME Payment Certification Form(s) for the project and/or administrative costs. As requested by the Department of Management and Budget, the Subgrantee shall furnish copies of invoices or other documentation of the project and/or the administrative costs. Properly documented certifications, including receipt of the required HOME Project Set-Up Form(s) and timely receipt of the monthly reports described in section 8 below, will normally be disbursed by the Grantee within ten (10) working days.
- d. All requests for disbursements with respect to costs incurred during the period of this Agreement, as set forth in section 1.g., must be received by the Grantee within 30 calendar days of the ending date of this Agreement. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has elapsed.

### 3. **PROGRAM INCOME AND REPAYMENTS:**

All program income, repayments, interest, and Grantee shares of proceeds or other returns on the investment of CDBG and/or HOME funds shall be submitted to the Grantee by the Subgrantee on or before the fifteenth of the month following collection.

#### 4. **AFFORDABILITY:**

- a. The Subgrantee shall ensure that properties assisted with HOME funds under this Agreement comply with the affordability requirements at 24 CFR 92.252 or 92.254, as applicable.
- b. The Subgrantee shall monitor all HOME-assisted properties to ensure maintenance of their affordability for the minimum period. This Subgrantee responsibility shall continue so long as this Agreement or any other CDBG- or HOME-funded Agreement with the Grantee remains in effect.

#### 5. **ENFORCEMENT OF THE AGREEMENT:**

- a. In the event the Subgrantee materially fails to comply with any term of the agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.
- b. In the event the Subgrantee, without prior written approval from the Grantee's Department of Management and Budget, terminates the project prior to completing all units for which HOME funds have been disbursed, the Subgrantee shall be liable for repayment of all HOME project, administrative or operating funds disbursements, whether or not expended.

#### 6. **REVERSION OF ASSETS:**

- a. Upon expiration or termination of this Agreement, including any amendments thereto, the Subgrantee shall transfer to the Grantee any CDBG or HOME funds or CDBG or HOME Program Income on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG or HOME funds.
- b. Any real property under the Subgrantee's control that was acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000:
  - (1) Shall continue for a period of not less than five years following expiration of this Agreement, including any amendments thereto, to be used to meet one of the CDBG national objectives cited in 24 CFR 570.208; or
  - (2) If the property is not used in accordance with paragraph (1) above, the Subgrantee shall pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment shall be considered Program Income to the Grantee.

#### 7. **RECORDS REQUIREMENTS:**

- a. Records to be maintained -- At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the requirements of 24 CFR 92.508, 570.506, and 570.507, as applicable.
- b. Period of record retention -- In compliance with the requirements of 24 CFR 92.508(c) and 570.502(b), the Subgrantee shall retain financial and project documents and records pertaining to this Agreement for a period of four (4) or five (5) years, as applicable, or the conclusion of any legal or administrative process requiring their use, whichever is later.
- c. Access to records -- The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 84.53 and 92.508(d).

#### 8. **REPORTING REQUIREMENTS:**

- a. By the 7th working day following the end of each month, the Subgrantee shall report the progress of activities covered by this Agreement, in a format acceptable to the Grantee's Department of Management and Budget. Such monthly reports shall include, but not be limited to, the following:
  - (1) A narrative section summarizing progress to-date on each component under the Scope of Services, including affirmative marketing activities, and describing, with supporting documents, as appropriate, any matching to be contributed by the Subgrantee;
  - (2) Certifications regarding debarment and suspension of contractors, as described in section 11.j.;
  - (3) A list of monthly gross program income receipts from all sources;

- (4) A list of any real or non-expendable personal property, including equipment, purchased with CDBG and/or HOME funds;
- (5) A table for each program providing data on each housing unit and eligible household assisted (see Attachment B for minimum data elements to be reported); and
- (6) A table providing demographic data on the households assisted (see Attachment C for the Grantee's standard format)
- b. The Subgrantee agrees to submit any other reports or documentation as requested by the Grantee concerning activities covered under this agreement.

#### 9. **MONITORING:**

The Subgrantee shall monitor the progress of the project(s) covered by this Agreement, and shall submit appropriate reports to the Grantee's Department of Management and Budget. In addition, it is the Grantee's intention to monitor the Subgrantee's performance and financial and programmatic compliance, which may include on-site reviews, at least once during the period of this Agreement.

#### 10. ANNUAL AUDIT:

As an entity receiving more than \$300,000 in federal funding from the Grantee, the Subgrantee shall provide for an annual independent audit of the CDBG/HOME expenditures under this Agreement which complies with OMB Circular A-133. Within 30 days following its completion, two (2) copies of the audit will be provided to the Grantee's Department of Management and Budget.

#### 11. OTHER PROGRAM/PROJECT REQUIREMENTS:

In addition to other requirements set forth herein, the Subgrantee shall likewise comply with the applicable provisions of Subparts F and H of 24 CFR part 92 and Subpart K of 24 CFR 570, in accordance with the type of project assisted. Such other requirements include, but are not necessarily limited to, the following.

- a. Maximum per-unit subsidy amount and subsidy layering -- The total amount of HOME funds invested shall not exceed \$91,773 for a one-bedroom unit, \$111,597 for a two-bedroom unit, \$144,367 for a three-bedroom unit, and \$158,470 for a unit with four or more bedrooms. Further, in accordance with 24 CFR 92.250, HOME funds invested in combination with other governmental assistance shall not exceed the amount necessary to provide affordable housing.
- b. Property standards and lead-based paint -- All housing assisted with HOME funds under this agreement must, upon project completion, meet the property standards of 24 CFR 92.251. Those assisted with HOME and/or CDBG funds shall meet the Statewide Building Code. All properties assisted with HOME and/or CDBG funds shall meet the lead-based paint requirements in 24 CFR 92.355 and/or 570.608, respectively. In accordance with regulations, the Subgrantee shall adhere to lead-based paint abatement practices, as applicable, and in no case shall use lead-based paint in the construction or rehabilitation of the properties assisted under this Agreement.

- c. <u>Affirmative Marketing and Affirmatively Furthering Fair Housing</u> -- In accordance with 24 CFR 92.351 and 570.601 and the Grantee's Affirmative Marketing Procedures, the Subgrantee shall provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, familial status or disability. The Subgrantee will describe its affirmative marketing activities as part of the monthly reporting requirements described in section 8.
- d. Section 109 -- In accordance with Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 3535(d)), no person in the United States shall on grounds of race, color, religion, sex or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds available under this Agreement. (See also Attachment C.)
- e. <u>Conditions for religious organizations</u> -- The Subgrantee shall not grant or loan any HOME or CDBG funds to primarily religious organizations for any activity including secular activities. In addition, funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for tenants or buyers of any HOME- or CDBG-assisted properties.
- f. <u>Labor standards</u> -- As presently structured, the programs included under this Agreement are not considered subject to federal Labor Standards, including prevailing (Davis-Bacon) wage rates for non-volunteer labor. Such standards will become applicable in the event CDBG or HOME funds are used for infrastructure improvements. Such standards will also become applicable for any single project in which more than 7 housing units are assisted with CDBG funds or more than 12 units are assisted with HOME funds or more than 7 units are assisted with a combination of CDBG and HOME funds.
- g. Environmental standards -- In accordance with 24 CFR 85.36, 92.352 and 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements include, but are not necessarily limited to, historic significance, floodplain, clean air and hazardous sites. The Grantee has performed the tiered review necessary to initiate the preliminary program activities; however, no CDBG funds may be expended for a given property prior to the Subgrantee's completing its individual property review, any required remedial actions and required Subgrantee environmental checklist, which must include all compliance categories specified by HUD and the Grantee. Where acquisition of property is authorized, the Subgrantee will conduct, directly or through qualified entities, at minimum an "environmental transaction screen," which consists of a review of the property's history and a site visit to determine the condition of the property. All property acquisitions shall be contingent upon satisfactory results of the screen, and, where dictated by the screen, further environmental phases. All specifications for proposed housing rehabilitation under this Agreement shall be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act. These specifications shall also be reviewed by the Grantee's Environmental Administrator to determine whether the potential for disturbing lead and other hazardous materials, such as asbestos, has been adequately taken into account. The Subgrantee agrees to adjust work specifications or activities in such manner as may be requested by the Grantee to ensure compliance with environmental requirements. The results of the historic and other environmental review activities shall be reflected in the Subgrantee's environmental checklist for the unit and/or project site(s).

- h. <u>Displacement and relocation</u> -- In accordance with 24 CFR 92.353 and 570.606, the Subgrantee shall take all reasonable steps to minimize displacement as a result of the activities described in section 1. Furthermore, section 1 of this Agreement prohibits acquisition of any property which is occupied or has been occupied at any time during the prior 12 months. Notwithstanding this prohibition, any persons displaced as a result of the activities under this Agreement shall be provided relocation assistance to the extent permitted and required under applicable regulations.
- i. Employment and contracting opportunities -- In accordance with 24 CFR 92.350 and 570.607, the activities under this Agreement are subject to the requirements of Executive Order 11246, as amended, and Section 3 of the Housing and Urban Development Act of 1968. The former prohibits discrimination on federally-assisted construction contracts and requires contractors to take affirmative action regarding employment actions. The latter provides that, to the greatest extent feasible and consistent with federal, state and local laws, employment and other economic opportunities arising housing rehabilitation, housing construction and public construction projects shall be given to low- and very-low-income persons. (See also Attachment C.)
- j. <u>Debarment and suspension</u> -- In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any activities under this Agreement. The Subgrantee will consult appropriate references, including, but not limited to, the Excluded Parties Listing Service website at <a href="http://epls.arnet.gov">http://epls.arnet.gov</a>, to ascertain the status of any third parties prior to engaging their services. The Subgrantee will submit to the Grantee's Department of Management and Budget the names of contractors and subcontractors selected under this Agreement, including a certification by the Subgrantee that it has determined that none of these entities are presently debarred, suspended, or ineligible.
- k. <u>Uniform administrative requirements</u> -- The Subgrantee shall comply with the requirements and standards set forth in 24 CFR 92.505 and 570.502, and all applicable CDBG, HOME and other federal regulations pertaining to the activities performed under this Agreement.
- 1. Conflict of interest -- In accordance with 24 CFR 92.356 and 570.611, no covered individual who exercises any functions or responsibilities with respect to the program during his tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. The Subgrantee shall incorporate, or cause to be incorporated, in any contracts or subcontracts pursuant to this Agreement a provision prohibiting such interest pursuant to the purposes of this section.

#### 12. EQUAL EMPLOYMENT OPPORTUNITY:

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

- b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. The Subgrantee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

#### 13. DRUG-FREE WORKPLACE:

During the performance of this Agreement, the Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

#### 14. FAITH-BASED ORGANIZATIONS:

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

#### 15. THIRD-PARTY CONTRACTS:

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

#### 16. **INDEMNITY:**

Each party hereto agrees to indemnify and hold harmless the other, its officers, agents and employees, from any and all claims, legal actions and judgments and expenses resulting therefrom, arising out of each party's intentional or negligent acts or omissions with respect to the duties, rights and privileges granted in or arising under this Agreement. In the event that the parties are jointly or concurrently negligent, each party shall indemnify and hold harmless the other party to the extent of its own negligence.

#### 17. INDEPENDENT CONTRACTOR:

Services performed under this agreement shall be performed on an independent contractor basis and under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder.

#### 18. **SUCCESSORS:**

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

#### 19. ENTIRE AGREEMENT

This Agreement, including all of its Attachments, represents the entire agreement between the parties and shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

### 20. AMENDMENTS:

The Grantee may, from time to time, require changes in the obligations of the Subgrantee hereunder, or its City Council may appropriate further funds for the implementation of this HOME rehabilitation project. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated by written amendment to this Agreement.

#### 21. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

#### 22. **AVAILABILITY OF FUNDS:**

CDBG and HOME funding made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

### 23. ANTI-LOBBYING:

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

#### 24. **NOTICE:**

Any notice, request, or demand given or required to be given under this Agreement shall, except as otherwise expressly provided herein, be in writing and shall be deemed duly given only if delivered personally or sent by certified mail, return receipt requested to the addresses stated below.

To the Grantee:

Darlene L. Burcham, City Manager

Room 364, Noel C. Taylor Municipal Building

215 Church Avenue, S. W. Roanoke, Virginia 24011

To the Subgrantee:

John P. Baker, Executive Director

Roanoke Redevelopment and Housing Authority

2624 Salem Turnpike, NW

Roanoke, VA 24017

Notice shall be deemed to have been given, if delivered personally, upon delivery, and if mailed, upon the third business day after the mailing thereof.

(This space intentionally left blank.)

ATTECT.	FOR THE GRANTEE:
ATTEST:	FOR THE GRANTEE.
By Mary F. Parker, City Clerk	By Darlene L. Burcham, City Manager
ATTEST:	FOR THE SUBGRANTEE:
By	By
Secretary of the Board	John P. Baker, Executive Director
APPROVED AS TO CDBG/HOME ELIGIBILITY	APPROVED AS TO FORM
Department of Management and Budget	Assistant City Attorney
APPROVED AS TO EXECUTION	APPROPRIATION AND FUNDS REQUIRED FOR THIS CONTRACT CERTIFIED
Assistant City Attorney	Director of Finance
	Date
	Account # (See Attachment A)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove

written:

# **Attachments**

Attachment A -- Financial Accounts

Attachment B -- Housing/Beneficiary Reporting Elements

Attachment C -- Special Federal Terms and Conditions

## Attachment A

# 2002/2003 RRHA CDBG and HOME Agreement Financial Accounts

Account #	Description	Project	Support	Admin	Total
CDBG Funds:					
035-G05-0520-5432	Special Needs Program	\$119,974	\$ 0	\$ 0	\$119,974
035-G05-0520-5433	Special Needs Program	\$ 0	\$38,128	\$ 0	\$ 38,128
035-G05-0520-5434	Special Needs Program	<u>\$ 0</u>	<u>\$ 0</u>	\$ 8,694	\$ 8,694
	Subtotal	\$119,974	\$38,128	\$ 8,694	\$166,796
035-G05-0520-5454	Project GOLD	\$225,025	\$ 0	\$ 0	\$225,025
035-G05-0520-5430	Project GOLD	\$ 0	\$170,583	\$ 0	\$170,583
035-G05-0520-5453	Project GOLD	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 35,405</u>	\$ 35,405
	Subtotal	\$225,025	\$170,583	\$35,405	\$431,013
	Total CDBG Funds	\$344,999	\$208,711	\$44,099	\$597,809
HOME Funds:					
035-090-5312-5454	Project GOLD	\$111,709	NA	\$ 0	\$111,709
035-090-5312-5453	Project GOLD	<u>\$ 0</u>	NA	\$12,412	\$ 12,412
	Subtotal	\$111,709	NA	\$12,412	\$124,121
	Total HOME Funds	\$111,709	\$ 0	\$12,412	\$124,121
	TOTAL CDBG AND HOME	\$456,708	\$208,711	\$56,511	\$721,930

#### Housing/Beneficiary Reporting Elements

On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee summarizing progress on the project to-date. Accompanying the narrative, the Subgrantee shall submit data in a table or spreadsheet format that is needed in order that the Grantee may complete its required reports to the U.S. Department of Housing and Urban Development. The data provided by the Subgrantee shall include:

- -- Property address
  - -- Number of bedrooms
  - -- Status (pending, under construction, completed or sold)
- -- Name of Homeowner or Homebuyer
  - -- Total Family Income (projected for 12 months following determination)
  - -- Number in family
  - -- Ethnic Group
  - -- Whether family is headed by a single female
  - -- Whether head of household is disabled
- -- Estimated total hard (incl. acquisition costs, if any) and soft costs to produce the unit
  - -- CDBG funds committed to property
  - -- HOME funds committed to property
  - -- HOME/CHDO funds committed to property
- -- Prime Contractor Name
  - -- Federal I.D. Number (or Owner Social Security Number)
  - -- Whether Minority-Owned, Women-Owned or Both
  - -- CDBG funds committed to Prime
  - -- HOME funds committed to Prime
  - -- HOME/CHDO committed to Prime
- -- Subcontractor Name (Provide separate data for each subcontractor)
  - -- Federal I.D. Number (or Owner Social Security Number)
  - -- Whether Minority-Owned, Women-Owned or Both
  - -- CDBG funds committed to Subcontractor
  - -- HOME funds committed to Subcontractor
  - -- HOME/CHDO committed to Subcontractor
- -- Unit Sale Data (if property is for homeownership)
  - -- Sales Price of Unit (excluding settlement charges)
  - -- Closing Date
- -- After-Rehab Value (if owner-occupied rehab activity)

## U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SPECIAL TERMS AND CONDITIONS (Agreements \$10,000 or Over)

#### 1. "Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project,

binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

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2. <u>Equal Employment Opportunity: Contracts subject to Executive Order 11246, as amended</u>: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and the rules, regulations and relevant orders of the Secretary of Labor.
- E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

- F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. Nondiscrimination Under Title VI of the Civil Rights Act of 1964: This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee

shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

## 4. Section 504 and Americans with Disabilities Act:

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.

- 5. Obligations of Subgrantee with Respect to Certain Third-party Relationships: The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.
- 6. <u>Interest of Certain Federal Officials</u>: No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.
- 7. Prohibition Against Payments of Bonus or Commission: The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.
- 8. "Section 109": This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.
- 9. Access to Records and Site of Employment: This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site

compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights At of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.

- 10. <u>Legal Remedies for Contract Violation</u>: If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:
  - 1) Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
  - 2) Disallow all or part of the cost of the activity or action not in compliance,
  - 3) Wholly or partly suspend or terminate the current Agreement, or
  - 4) Take other remedies that may be legally available.

(This space intentionally left blank.)

8/20/04

## IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to execute the 2004-2005 Community Development Block Grant and HOME Investment Partnership Program Agreement with Roanoke Redevelopment and Housing Authority to conduct the housing activities approved in the Consolidated Plan, upon certain terms and conditions.

WHEREAS, Resolution No. 36695-051304, adopted May 13, 2004, approved and authorized the City Manager to submit the Fiscal Year 2004-2005 Annual Update to the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) and to execute the appropriate documents for acceptance of such funding; and

WHEREAS, in order for Roanoke Redevelopment and Housing Authority (RRHA) to conduct the housing activities approved in the Consolidated Plan, City Council's authorization is required.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager or Assistant City Manager, and the City Clerk, are hereby authorized to execute and attest, respectively, on behalf of the City, the 2004-2005 Community Development Block Grant and HOME Investment Partnership Program Agreement with Roanoke Redevelopment and Housing Authority to conduct the housing activities approved in the Consolidated Plan, and to indemnify the Roanoke Redevelopment and Housing Authority, as required to accept the grant in the amount of \$721,930.00, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated September 7, 2004, to this Council.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333

Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable, Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Agreement with Norfolk Southern for First Street Bridge

The proposed reconstruction of First Street Bridge over the railroad tracks will require the relocation of Norfolk Southern Railway Company's (Railway) signal system. Negotiations with the Railway to accomplish this have been completed, and we are ready to execute an agreement. See Attachment #1. The estimated cost of relocation and force account work totals \$147,190. Funding is available in First Street Bridge account 008-052-9574.

Recommended Action(s):

Authorize the City Manager to execute the agreement with Norfolk Southern Railway Company, approved as to form by the City Attorney, as executed by the Railway.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/SEF

**Attachment** 

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

THIS AGREEMENT, made and entered into by and between **NORFOLK SOUTHERN RAILWAY COMPANY**, a Virginia corporation, hereinafter styled "Railway"; and **CITY OF ROANOKE**, a Virginia municipal corporation, hereinafter styled "Permittee":

## $\underline{W} \underline{I} \underline{T} \underline{N} \underline{E} \underline{S} \underline{S} \underline{E} \underline{T} \underline{H}$ :

WHEREAS, an existing bridge owned by Permittee and carrying First Street over the tracks of Railway occupies an easement described in and subject to a certain agreement between Railway and Permittee dated March 1, 1991 (the "1991 Agreement"):

WHEREAS, as permitted by the 1991 Agreement, Railway has attached portions of its signal system to the underside of the existing bridge:

WHEREAS, Permittee desires to reconstruct and/or replace the existing structure with a new public overhead bridge (the "Bridge"), which project will necessitate the relocation of Railway's signal system:

### NOW THEREFORE, the PARTIES HERETO agree as follows:

- 1. THAT, for and in consideration of the premises and of the covenants hereinafter made. Railway hereby grants unto Permittee, insofar as Railway's title enables it so to do, and without warranty, an aerial easement for the purpose of reconstructing, maintaining, using, and removing the Bridge, which aerial easement shall be subject to the terms of this Agreement, across, over and upon the right of way or property and track (whether more than one track) of Railway, located at Milepost N-257.64, more or less, at or near **Roanoke**, **Virginia**, as described and depicted on Exhibit A, attached hereto and made a part hereof. The Bridge shall be owned by the City and shall be maintained as part of the Permittee's road system.
- 2. Railway will, prior to Permittee's beginning work on the Bridge and at Permittee's expense, relocate Railway's track signals (hereinafter called "Signals") to a self-supporting signal structure independent from the Bridge but located such that the Signals will occupy approximately the same physical space as they currently occupy while mounted to the cantilevered platform attached to the existing structure. Permittee will pay to Railway, promptly upon bill rendered therefore, the actual cost of all work performed by Railway in connection with the relocation of the Signals, including but not limited to the expenditures herein expressly described. The cost of the work to be performed by Railway in connection with the relocation of the Signals has been estimated to be one hundred seventeen thousand four hundred forty dollars and no cents (\$117,440.00), said estimate being attached hereto as Exhibit B and made a part hereof.
- 3. Permittee will, at Permittee's expense, reconstruct and/or remove the existing bridge structure, and reconstruct, maintain and remove the Bridge in such manner that the same shall not interfere with the use made or to be made of said property by Railway, including the use of Railway's Signals, for any purpose and in accordance with plans and specifications approved by Railway. Permittee agrees that the Bridge, or any work to be done by Permittee

hereunder, including the removal of the existing bridge structure, shall not interfere with the safe and proper operation and maintenance of said railroad, or the track, structures or appurtenances upon said property, or the proper drainage of the roadbed and property of Railway.

- 4. Permittee hereby agrees that if it shall desire to make any changes or perform any maintenance to the Bridge that would require the temporary relocation of the Signals. Permittee will notify Railway, which will arrange for the temporary relocation of its facilities within a reasonable period of time if such relocation can be accomplished without, in the judgment of Railway, interfering with Railway's operations or use of its property and/or facilities. The expense of any such relocation shall be borne by Permittee, which shall reimburse Railway, promptly upon bill rendered therefore, any actual cost performed by Railway in connection with the work.
- 5. (a) Permittee or its contractor shall at the expense of Permittee or its contractor obtain and maintain during the period of this Agreement, in a form and with companies satisfactory to Railway, Commercial General Liability Insurance with a combined single limit of not less than two million dollars and no cents (\$2,000,000,000) per occurrence for injury or death of persons and damage to or loss or destruction of property. Such policy shall be endorsed to provide contractual liability coverage for liability assumed under this Agreement and shall be of a form that does not deny coverage for operations conducted within 50 feet of any railroad hazard. In addition, said policy shall be endorsed to name Railway as an additional insured and shall include a severability of interests provision. As evidence of said insurance, a certificate of insurance shall be furnished to and approved by the Risk Manager, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510-2191 prior to entry on Railway's property or use of the Crossing. The certificate of insurance shall state that thirty (30) days advance written notice will be given to Railway of any material change in, or cancellation of such insurance.
- (b) In addition, prior to commencement of installation or maintenance of the Bridge, Permittee shall obtain and furnish to railway an original Railroad Protective Liability Insurance Policy having a combined single limit of not less than two million dollars and no cents (\$2,000,000,000) per occurrence and six million dollars and no cents (\$6,000,000,000,000) aggregate. Said policy shall name Railway as the named insured and shall be written on Insurance Services Office Form Number CG00350196. The original Railroad Protective Liability Insurance Policy shall be furnished to and approved by the Risk Manager. Norfolk Southern Corporation, Three Commercial Place. Norfolk, Virginia 23510-2191 prior to the commencement of installation or maintenance of the Bridge.
- (c) The insurance coverage required herein shall in no way limit Permittee's liability under this Agreement.
- 6. Should the use of the Bridge be abandoned for both vehicular and pedestrian uses, then all rights hereby granted to Permittee shall thereupon cease and terminate, and Permittee shall, at its sole cost and in a manner satisfactory to Railway, remove the Bridge located within the limits of the right of way of Railway within one year of such abandonment, reimburse Railway for the cost of relocating the Signals, if necessitated by the removal of the Bridge, and

restore Railway's property to the condition existing prior to the construction of the Bridge or any prior structure thereupon; provided Railway, at its option, may elect to remove the Bridge proper within said right of way and restore its property if Permittee does not remove the Bridge within one year of abandonment of the Bridge, and Permittee will, in such event, upon bill rendered therefor, pay unto Railway, the entire cost incurred by it in such removal and restoration, including the cost of relocating the Signals, if necessitated by such removal.

- Permittee hereby agrees to submit detailed engineering plans to Railway and agrees that no construction will commence until said plans have been approved by Railway. The fact that the design, maintenance, plans and specifications for the Bridge, or its subsequent repair or alteration, shall have been approved by the Railway, shall not relieve Permittee from any responsibility or liability assumed hereunder for any damage to or loss of property, or injury to or death of persons, which may occur as a result of the construction and/or maintenance of the Bridge, nor shall Railway be deemed to be an agent for Permittee. Permittee further agrees that the Bridge shall be constructed and maintained in accordance with Railway specifications including, but not limited to, Railway's "Overhead Grade Separation Design Criteria" which are hereby made a part of this Agreement and attached hereto as Exhibit C. Permittee further agrees that the design of the Bridge shall accommodate the construction of a fence sufficient to prevent users of the Bridge from interfering with Railway's operations, injuring Railway's employees, or damaging Railway's equipment. In the event that, in Railway's judgment, such an event of interference, injury, or damage has or is likely to occur, Railway may demand that Permittee construct the fence, and such construction shall be performed at the sole cost and expense of Permittee within 90 days of Railway's demand therefor. Before this Agreement shall be in force and effect, the aforementioned plans and specifications, together with any revisions and additions thereto, shall have the written approval of Railway, and upon such approval shall become a part of this Agreement by reference.
- 8. Permittee, or its contractor(s) and/or subcontractor(s), shall give Railway seventy-two (72) hours advance notice of any work to be performed on the premises of Railway in order that flagging service can be arranged and provided. Permittee agrees to pay any costs incurred by Railway for the purpose of protection and inspection considered necessary by Railway, including all flagging costs, during construction, maintenance, operation, modification, replacement and/or removal of the Bridge. Railway has prepared a preliminary estimate of the costs to be incurred by and reimbursed to Railway, which is estimated to be twenty-nine thousand seven hundred fifty dollars and no cents (\$29,750.00), said estimate being entitled Force Account Estimate and attached hereto as Exhibit D, dated August 13, 2003, and made a part hereof. Upon determination of the actual costs incurred by Railway, Railway will render a bill therefor, and Permittee will promptly reimburse Railway for said actual costs. No work shall be undertaken until the flagman or flagmen are at the job site. All work performed under this Agreement shall be in accordance with "Special Provisions For Protection Of Railway Interest," attached hereto as Exhibit E, dated August 15, 2003, and made a part hereof.
- 9. Permittee agrees that materials and/or equipment shall not be stored where they will interfere with Railway operations, nor shall they be stored on the right of way of Railway without first having obtained written permission from Railway's Division Superintendent or his authorized representative, and such permission shall be given with the understanding that

Railway will not be liable for any damage to such materials and/or equipment from any cause, and that Railway's Division Superintendent or his authorized representative may move, or require Permittee or its contractor(s) and/or subcontractor(s) to move, at no expense to Railway, such materials and/or equipment.

10. No temporary crossing may be contractor(s) and/or subcontractor(s), for transpo property and track of Railway, unless specific authoremoval, including any necessary inspection and flat	ority for its installation, maintenance, use, and
11. Permittee shall not assign this Agree	ement without the written consent of Railway.
12. The word "Railway" as used here property at the aforesaid location may be leased of include Railway's officers, agents and employer affiliate of Railway and their officers, agents and endough the state of the	es, and any parent company, subsidiary or
13. This Agreement shall take effect as and shall supercede the easement granted by the agreements governing the existing structure. The prin recordable form memorializing the termination of	parties agree to execute releases or memoranda
IN WITNESS WHEREOF, the parties hereto each part being an original, as of the day of	
Witness:	NORFOLK SOUTHERN RAILWAY COMPANY
As to Railway	By Real Estate Manager
Witness:	CITY OF ROANOKE
As to Licensec	By Title:

TAJ 7/23/03 1059014 Public Bridge Agmt 171068v1

557 64

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an agreement between

the City of Roanoke and Norfolk Southern Railway Company ("Railway") to provide for

relocation of a portion of the Railway's signal system attached to the First Street Bridge,

upon certain terms and conditions, and dispensing with the second reading of this ordinance

by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest,

respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, an

agreement with the Railway to provide for relocation of a portion of the Railway's signal

system attached to the First Street Bridge, upon such terms and conditions as are more

particularly described in the City Manager's letter dated September 7, 2004, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading

of this ordinance by title is hereby dispensed with.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 7, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject:

Combination of Human Resources Advisory Board and Human Services

Committee

## Background:

Section 17-14 of the Code of the City of Roanoke (1979) requires that a Human Resources Advisory Board be established to interest itself in matters pertaining to the public local Social Services Department and to monitor the formulation and implementation of public assistance and social services programs. The Human Resources Advisory Board is also required by State statute.

Section 2-301 of the Code of the City of Roanoke (1979) establishes the Human Services Committee which is designed to make recommendations to City Council regarding the distribution of City Human Services funds to local charitable organizations.

The Human Resources Advisory Board meeting has not been well attended by the members in recent years. The purpose of the Advisory Board has been unclear, and the activities of the Department of Social Services are so tightly regulated that the responsibilities of the Advisory Board are very limited.

The Human Services Committee is active from January through April each year to make recommendations for distribution of the City Human Services funds.

Mayor Harris and Members of Council September 7, 2004 Page 2

Combining the two committees into one nine member Board, to be named the Human Services Advisory Board, would be more effective and would fulfill the purpose and duties of both the Human Resources Advisory Board and the Human Services Committee. It would also meet the requirements of the Code of Virginia. Membership of the Human Services Advisory Board would consist of the current active members of the Human Resources Advisory Board and the Human Services Committee.

## Recommendation:

Repeal Section 2-301 of the Code of the City of Roanoke (1979) to eliminate the Human Services Committee and making amendments to Section 17-14 of the Code of the City of Roanoke (1979) to rename the Human Resources Advisory Board, as the Human Services Advisory Board and add the duties of the Human Services Committee to the duties of the Human Services Advisory Board.

Appoint the following members of the Human Services Committee to the Human Services Advisory Board for terms of two years: Pam Kestner-Chappelear, and Frank Feather, to appointments of three years: H. Clark Curtis, to appointments of four years: Randy Leftwich. Appoint Corinne Gott as a new member to the Human Services Advisory Board for a term of four years.

Respectfully submitted,

Darlene Burcham City Manager

## DLB/tem

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Jane R. Conlin, Director of Human/Social Services
Rolanda B. Russell, Assistant City Manager for Community Development

CM04-00160

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## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §2-297, Established; repealing §2-301, Human services committee, of Article XIV, Boards, Authorities, Commissions and Committees, and amending §17-20, Functions, powers and duties, of Article II, Advisory of Board of Human Resources, of Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, abolishing the Human Services Committee; consolidating the functions, powers and duties of the former Committee with those of the Advisory Board; changing the name of the Advisory Board; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

2. Section 2-297, Established, Article II, Authorities, Boards, Commissions and Committees, Chapter 2, Administration, of the Code of the City of Roanoke, 1979, as amended, is hereby amended by the elimination of the Human Services Committee, a permanent committee of City Council, and shall read and provide as follows:

§2-297. Established.

There are hereby established the following permanent committees of the council:

- (1) Audit committee.
- (2) Budget and planning committee.
- (3) Water resources committee.
- (4) Human resources committee.
- (5) City investment committee.
- (6) (2) Personnel committee.
  - (3)Legislative committee.
- 1. Section 2-301, <u>Human services committee</u>, of Article II, <u>Authorities, Boards</u>, <u>Commissions and Committees</u>, of Chapter 2, <u>Administration</u>, Code of the City of Roanoke (1979), as amended, is hereby repealed in its entirety.

## §2-301. Human services committee.

- (a) The human services committee shall be composed of seven (7) members appointed by the council. The committee shall select a chair from among its members. It shall meet on the call of its chair or any two (2) members.
- (b) The purposes of the human services committee shall be to review applications or requests for funding made to the city by private social services agencies; to advise the council as to the merits of funding the programs of such agencies; to recommend an allocation of funding to such agencies; and to monitor and evaluate the programs of such agencies.
- (c) The city manager shall be authorized to promulgate administrative procedures to be followed by the committee.
- 3. Section 17-20, <u>Functions</u>, <u>powers and duties</u>, of Article II, <u>Advisory Board of Human Resources</u>, of Chapter 2, <u>Administration</u>, is hereby amended by consolidation of the former Human Services Committee along with its powers and duties with those of the Human Resources Advisory Board; changing the name of the Advisory Board, and shall read and provide as follows:

## ARTICLE II. ADVISORY BOARD OF HUMAN RESOURCES HUMAN SERVICES ADVISORY BOARD

\* \* \*

## §17-20. Functions, powers and duties.

- (a) The board shall serve in an advisory capacity to the director of human services with respect to the duties and functions imposed upon the director as the local board of social services.
  - (b) The powers and duties of the board shall be as follows:
    - (1) To interest itself in all matters pertaining to the social welfare of the people of the city.
    - (2) To monitor the formulation and implementation of social welfare programs in the city.
    - (3) To meet with the director of human services at least four (4) times a year for the purpose of making recommendations on policy matters concerning the department of human services.
    - (4) To review applications or requests for funding made to the city by private social services agencies; to advise the council as to the merits of funding the programs of such agencies; to recommend an allocation of funding to such agencies; and to monitor and evaluate the programs of such agencies.
    - (4) (5) To make an annual report to the city council, concurrent with the budget presentation of the department of human services, concerning the administration of the public welfare program.

(5)(6) To submit to the city council, from time to time, other reports that the board deems appropriate.

3. Pursuant to Chapter 12 of the Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



## JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us

September 7, 2004

# CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director email: ann\_shawver@ci.roanoke.va.us

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: July Financial Report

This financial report covers the first month of fiscal year 2005. The first quarter of the year is difficult to analyze due to the relatively small volume of activity which occurs within the early months. Additionally, the accrual of certain revenues and expenditures into the prior year, and accompanying accounting reversal, causes some categories to have very small or even negative balances in the early months of fiscal year 2005 until current year activity exceeds the impact of the reversals. The following narrative provides commentary on the significant events of this first fiscal month.

### Revenues

Revenues for July 2004 increased 6.74% compared to FY04, but they are negative in total and in several of the individual categories, due to our practice of accrual of some amounts to the prior year. Some revenues, whether positive or negative in balance, have variances from the prior year. Comments on these variances are as follows:

General Property Taxes declined in fiscal year 2005 as fewer collections of personal property and delinquent real estate took place in July.

Other Local Taxes increased in fiscal year 2005 due to earlier collection of the electric utility tax from AEP.

*Permits, Fees and Licenses* increased due to growth in building permits. The permit fee paid on the Patrick Henry High School project primarily accounts for the increase.

Revenue from the use of Money and Property declined when the first quarterly billing for the rental of space by the health department was made later in FY05 than in FY04.

Grants in Aid Commonwealth declined due to a timing difference in funding from the Commonwealth for administrative costs of the Social Services department.

Honorable Mayor and Members of Council September 7, 2004 Page 2

## **Expenditures**

The FY05 expenditure budget includes funding of nearly \$1.8 million to cover contracts and purchase orders made during FY04 but not paid by the end of that year. City Council approved re-appropriation of this funding when adopting the General Fund budget in May.

General Fund expenditures of all departments are affected by the fact that City employees received an average pay raise of 3.0% on July 1, 2004. Also, July 2003 included three payrolls while July 2004 included only two. Other than these items which affect most categories of expenditures, variances between FY04 and FY05 are addressed as follows:

**Public Safety** costs decreased slightly as the net effect of three payrolls in the prior year, and the contract for Jail medical services being encumbered earlier in the current year than prior year.

**Public Works** costs declined in the Paving Program because the paving contract was encumbered later in the current year than last year. For the year as a whole, expenditures for paving are expected to increase.

*Health and Welfare* obligations to the Health Department, Mental Health, and TAP were encumbered by July of last year, but have not yet been encumbered this year, causing this category to decline thus far due to this timing difference.

Nondepartmental expenditures increased due to increased transfers to several funds of the City. Funding to the GRTC is being made in two semi-annual payments in FY05 rather than quarterly to provide greater cash flow to GRTC. Funding has been transferred to the Department of Technology Fund for the financial system replacement which is to be implemented July 1, 2005. A transfer has also been made in FY05 for the Civic Center seat replacement project.

Sincerely,

lesse A. Hall

Director of Finance

Jone A. Hall

JAH:ca

Attachments

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget

## CITY OF ROANOKE, VIRGINIA GENERAL FUND

## STATEMENT OF REVENUE

		Year to Date for the Period			Current Fiscal Year				
Revenue Source		y 1 - July 31 2003-2004		y 1 - July 31 004-2005	Percentage of Change	-		Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	-\$	(115,947)	\$	(330,744)	-185.25	%	\$	87,491,000	-0.38%
Other Local Taxes		(1,507,192)		(1,009,683)	33.01	%		62,631,000	-1.61%
Permits, Fees and Licenses		89,766		133,782	49.03	%		1,112,000	12.03%
Fines and Forfeitures		100,764		109,766	8.93	%		1,321,000	8.31%
Revenue from Use of Money and Property		58,535		15,782	-73.04	%		735,000	2.15%
Grants-in-Aid Commonwealth		(1,405,517)		(1,653,403)	-17.64	%		47,287,000	-3.50%
Grants-in-Aid Federal Government		-		-	0.00	%		34,000	0.00%
Charges for Services		693,355		776,410	11.98	%		8,120,000	9.56%
Miscellaneous Revenue		44,357		57,693	30.07	%		327,608	17.61%
Internal Services		(39,020)		(40,247)	-3.14	%		2,730,000	-1.47%
Total	\$	(2,080,899)	\$	(1,940,644)	6.74	%	\$	211,788,608	-0.92%

## STATEMENT OF EXPENDITURES AND ENCUMBRANCES

	 Year to Date for the Period					Current Fiscal Year		
Expenditures	ly 1 - July 31 2003-2004	July 1 - July 31 2004-2005	Percentage of Change	Un	encumbered Balance	Ą	Revised opropriations	Percent of Budget Obligated
General Government	\$ 1,311,741	1,109,789	<i>-</i> 15.40 %	\$	10,546,515	\$	11,656,304	9.52%
Judicial Administration	526,172	445,849	-15.27 %		6,485,718		6,931,567	6.43%
Public Safety	5,776,634	5,692,930	-1.45 %		46,524,326		52,217,256	10.90%
Public Works	4,908,988	2,485,474	-49.37 %		23,127,535		25,613,009	9.70%
Health and Welfare	3,282,048	1,671,093	-49.08 %		28,414,315		30,085,408	5.55%
Parks, Recreation and								
Cultural	683,290	517,905	<i>-</i> 24.20 %		4,807,069		5,324,974	9.73%
Community Development	930,128	853,631	-8.22 %		4,964,374		5,818,005	14.67%
Transfer to Debt Service								
Fund	5,839,424	5,193,950	-11.05 %		9,689,341		14,883,291	34.90%
Transfer to School Fund	4,074,121	4,324,160	6.14 %		47,565,766		51,889,926	8.33%
Nondepartmental	752,588	1,100,374	46.21 %		8,055,432		9,155,806	12.02%
Total	\$ 28,085,134	23,395,155	-16.70 %	\$	190,180,391	\$	213,575,546	10.95%

# CITY OF ROANOKE, VIRGINIA CIVIC FACILITIES FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2004

	FY 2005	FY 2004		
Operating Revenues				
Rentals	\$ 18,075	\$ (114,841)		
Event Expenses	2,201	(36,813)		
Display Advertising	-	2,500		
Admissions Tax	871	(94,036)		
Electrical Fees	90	(60)		
Facility Surcharge	1,927	(132,355)		
Charge Card Fees	34	8,178		
Commissions	1,632	(113,409)		
Catering/Concessions	217	(57,392)		
Other		(4,260)		
Total Operating Revenues	25,047	(542,488)		
Operating Expenses				
Personal Services	141,309	199,191		
Operating Expenses	28,962	(38,540)		
Depreciation	39,887	43,969		
Total Operating Expenses	210,158	204,620		
Operating Loss	(185,111)	(747,108)		
Nonoperating Revenues				
Interest on Investments	2,037	2,944		
Transfer from General Fund	42,324	-		
Miscellaneous	872	349		
Total Nonoperating Revenues	45,233	3,293		
Net Loss	\$ (139,878)	\$ (743,815)		

Note: Some FY04 balances are negative due to the reversal of prior year accruals where collections of revenues or payments of expenses related to the accrued amounts had not yet occurred. In FY05, event close-out is occurring in a more timely manner, resulting in positive account balances.

# CITY OF ROANOKE, VIRGINIA PARKING FUND COMPARATIVE INCOME STATEMENT FOR THE MONTH ENDING JULY 31, 2004

	FY 2005	FY 2004		
Operating Revenues				
Century Station Parking Garage	\$ 38,668	\$ 33,917		
Williamson Road Parking Garage	43,687	38,217		
Market Square Parking Garage	19,989	21,878		
Church Avenue Parking Garage	51,652	40,583		
Tower Parking Garage	30,685	35,161		
Gainsboro Parking Garage	8,320	4,990		
Williamson Road Surface Lots	8,097	8,333		
Norfolk Avenue Surface Lot	6,595	5,429		
Gainsboro Surface Lot	5,206	3,121		
Salem Avenue Surface Lot	3,675	330		
Bullitt Avenue Lot	6,641	6,166		
Church Avenue Lot	3,800	4,050		
Total Operating Revenues	227,015	202,175		
Operating Expenses				
Operating Expenses	68,102	71,275		
Depreciation	50,887	45,304		
Total Operating Expenses	118,989	116,579		
Operating Income	108,026	85,596		
Nonoperating Revenues (Expenses)				
Interest on Investments	2,369	-		
Interest and Fiscal Charges	(26,871)	(47,572)		
Net Nonoperating Expenses	(24,502)	(47,572)		
Net Income	\$ 83,524	\$ 38,024		

# CITY OF ROANOKE, VIRGINIA CITY TREASURER'S OFFICE GENERAL STATEMENT OF ACCOUNTABILITY FOR THE MONTH ENDED JULY 31, 2004

TO THE DIRECTOR OF FINANCE:
GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED JULY 31, 2004.

	BALANCE AT			BALANCE AT	BALANCE AT
FUND	JUN 30, 2004	RECEIPTS	DISBURSEMENTS	JUL 31, 2004	JUL 31, 2003
GENERAL	\$3,710,483.24	\$12,016,833.03	\$12,479,054.15	\$3,248,262.12	\$7,835,578.27
WATER	5,186,408.29	580,497.41	4,520,522.73	1,246,382.97	2,816,309.17
WATER POLLUTION CONTROL	26,585,688.17	0.00	26,746,716.87	(161,028.70)	8,277,240.12
CIVIC FACILITIES	1,958,741.99	37,812.63	341,150.63	1,655,403.99	1,949,459.32
PARKING	1,424,265.86	224,249.55	587,053.16	1,061,462.25	(2,710,895.26)
CAPITAL PROJECTS	47,580,250.35	4,568,690.79	1,291,935.09	50,857,006.05	52,196,378.27
MARKET BUILDING OPERATIONS	95,892.42	17,625.77	25,727.71	87,790.48	295,632.64
CONFERENCE CENTER	3,771,749.33	3,550.26	5,847.29	3,769,452.30	3,903,415.28
DEBT SERVICE	15,049,741.73	3,249,917.95	11,428,891.85	6,870,767.83	8,761,911.09
DEPT OF TECHNOLOGY	3,701,122.39	1,316,657.57	565,951.72	4,451,828.24	4,005,584.94
FLEET MANAGEMENT	492,363.27	430,792.11	1,216,454.60	(293,299.22)	1,360,611.29
PAYROLL	(5,904,283.03)	9,975,201.97	13,325,391.16	(9,254,472.22)	(12,259,141.59)
RISK MANAGEMENT	12,382,112.33	906,671.23	1,021,667.70	12,267,115.86	11,990,326.32
PENSION	397,629.12	477,266.93	18,595.60	856,300.45	938,659.42
SCHOOL FUND	6,180,455.32	5,244,127.16	7,153,007.35	4,271,575.13	7,697,764.01
SCHOOL CAPITAL PROJECTS	4,931,545.90	7,231.00	568,027.61	4,370,749.29	8,437,379.96
SCHOOL FOOD SERVICE	(132,577.28)	528,454.11	209,348.81	186,528.02	462,541.84
FDETC	1,104.27	1.67	547.00	558.94	41,982.72
GRANT	466,455.44	1,002,797.98	681,563.41	787,690.01	85,917.80
TOTAL	\$127,879,149.11	\$40,588,379.12	\$82,187,454.44	\$86,280,073.79	\$106,086,655.61

#### **CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JULY 31, 2004. THAT SAID FOREGOING:

## CASH

CASH IN HAND	\$8,491.20
CASH IN BANK	1,182,438.82
INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:	
COMMERCIAL HIGH PERFORMANCE MONEY MARKET	8,500,000.00
LOCAL GOVERNMENT INVESTMENT POOL	22,063,223.60
MONEY MANAGEMENT ACCOUNT	10,494,640.80
REPURCHASE AGREEMENTS	3,000,000.00
U. S. AGENCIES	15,483,038.89
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	25,548,240.48
VIRGINIA RESOURCE AUTHORITY	0.00
TOTAL	\$86,280,073.79

AUGUST 24, 2004

EVELYN W. POWERS, TREASURER

## CITY OF ROANOKE PENSION PLAN STATEMENT OF CHANGES IN PLAN NET ASSETS FOR THE MONTH ENDED JULY 31, 2004

	FY 2005		FY 2004		
Additions:					
Employer Contributions	\$	117,117	\$	106,772	
Investment Income					
Net Appreciation (Depreciation) in Fair Value of Investments		(7,012,131)		207,462	
Interest and Dividend Income		(45,817)		(150,018)	
Total Investment Income (Loss)		(7,057,948)		57,444	
Less Investment Expense		(99,139)		(101,270)	
Net Investment Income (Loss)		(6,958,809)		158,714	
Total Additions (Deductions)	\$	(6,841,692)	\$	265,486	
Deductions  Benefits Paid to Participants	\$	1,666,019	\$	1,470,935	
Administrative Expenses		3,596		(9,913)	
Total Deductions		1,669,615		1,461,022	
Net Increase (Decrease)		(8,511,307)		(1,195,536)	
Net Assets Held in Trust for Pension Benefits:					
Fund Balance July 1		306,925,352		283,983,057	
Fund Balance July 31		\$298,414,045		282,787,521	

Note: Negative amounts reflect the reversal of accrual accounting entries made for fiscal year-end financial reporting purposes.

# CITY OF ROANOKE PENSION PLAN BALANCE SHEET JULY 31, 2004

	FY 2005	FY 2004	
<u>Assets</u>			
Cash	\$ 854,160	\$ 938,559	
Investments, at Fair Value	299,242,297	283,079,554	
Due from Other Funds	14,218	234,305	
Other Assets	6,531	6,150	
Total Assets	\$ 300,117,206	\$ 284,258,568	
Liabilities and Fund Balance			
Liabilities:			
Due to Other Funds	\$ 1,667,541	\$ 1,471,012	
Accounts Payable	35,620	35	
Total Liabilities	1,703,161	1,471,047	
Fund Balance:			
Fund Balance, July 1	306,925,352	283,983,057	
Net Gain (Loss) - Year to Date	(8,511,307)	(1,195,536)	
Total Fund Balance	298,414,045	282,787,521	
Total Liabilities and Fund Balance	\$ 300,117,206	\$ 284,258,568	

Gloria P. Manns Alvin L. Nash Courtney A. Penn David B. Trinkle, M.D.
Doris N. Ennis, Acting Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke-

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

September 7, 2004

The Honorable C. Nelson Harris, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 10, the Board respectfully requests City Council to approve \$1,139,814.00 from the 2004-05 Capital Maintenance and Equipment Replacement Fund to fund textbook adoptions, administrative technology equipment, surveillance equipment, furniture replacement, a modular building, facility improvements, and the repair of a roof.

Thank you for your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Kathy G. Stockburger

Mrs. Doris N. Ennis Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Paul Workman (with accounting details)



# JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us

# CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

September 7, 2004

The Honorable C. Nelson Harris, Mayor
The Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Sherman P. Lea, Council Member
The Honorable Brenda L. McDaniel, Council Member
The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

As a result of the official School Board action at its meeting on August 10, the Board respectfully requests City Council to approve \$1,139,814 from the 2004-05 Capital Maintenance and Equipment Replacement Fund to fund textbook adoptions, administrative technology equipment, surveillance equipment, furniture, replacement, a modular building, facility improvements, and the repair of a roof.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall

**Director of Finance** 

**Attachment** 

JAH/pac

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney

Mary F. Parker, City Clerk

Doris N. Ennis, Acting Superintendent of City Schools



General Fund

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP), amending and reordaining certain sections of the 2004-2005 General and School Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General and School Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund		
Appropriations		
Transfer to School Fund-CMERP	001-250-9310-9532	\$ 435,460
Fund Balance		
Reserved for CMERP - School	001-3324	(435,460)
School Fund		
Appropriations		
Books and Subscriptions	030-065-6006-6100-0613	612,125
Replacement - Data Processing Equipment	030-065-6006-6302-0806	1,687
Additional - Machinery and Equipment	030-065-6006-6315-0821	168,423
Additional - Furniture and Fixtures	030-065-6006-6681-0822	1,042
Additional - Other Capital Outlays	030-065-6006-6896-0829	31,235
Replacement - Other Capital Outlays	030-065-6006-6896-0809	325,302
Revenues		
Transfer From General Fund-CMERP	030-060-6000-1356	435,460
Fund Balance		
Reserved for CMERP- Schools	030-3324	(704,354)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

Commence of the second

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## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 2. For any meetings of the Urban Section of the Virginia Municipal League to be held in conjunction with the League's 2004 Annual Conference, Darlene L. Burcham, City Manager, shall be designated Staff Assistant.
- 3. Mary F. Parker, City Clerk, is directed to complete any forms required by the Virginia Municipal League for designation of Voting Delegate, Alternate Voting Delegate and Staff Assistant and to forward such forms to the League.

ATTEST:



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 2. Mary F. Parker, City Clerk, is directed to take any action required by the National League of Cities with respect to certification of the City's official Voting Delegate and Alternate Voting Delegate.

ATTEST: